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# Code of Ordinances

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City of Cold Bay, Alaska

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September 2015

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# City of Cold Bay, Alaska

## 2015 Code of Ordinances

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City of Cold Bay, Alaska

**TITLE 1**

General Provisions

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CHAPTER 01

General Provisions

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City Information

CHAPTER 03

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City of Cold Bay, Alaska  
TITLE 2  
Administration

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City of Cold Bay, Alaska

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City of Cold Bay, Alaska

**TITLE 5**

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**TITLE 10**

Personnel

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Responsibilities of Officers and Employees

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CHAPTER 01  
**GENERAL PROVISIONS**

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- 010. Code cite and designation.
- 020. Definitions.
- 030. Grammatical interpretation.
- 040. Effect of repeal of ordinances.
- 050. Severability of ordinances and parts of Code.
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**Section 1.01.010** Code cite and designation.

The ordinances in the following chapters and sections shall be called the "Code of Ordinances, City of Cold Bay, Alaska".

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**Section 1.01.020** Definitions.

The following definitions apply to words and terms used in this Code and all city ordinances unless the plain meaning requires otherwise:

ATTORNEY:	The City Attorney;
CITY:	The City of Cold Bay, Alaska, or the area within the territorial limits of the City of Cold Bay, Alaska;
CLERK:	The Cold Bay City Clerk;
CLERK-TREASURER:	The Cold Bay City Clerk;
CODE:	The Code of Ordinances, City of Cold Bay, Alaska; the Cold Bay City Code;
COMPUTATION OF TIME:	The time within which an act is done. It shall be computed by excluding the first and including the last day; and if the last day is a Sunday or legal holiday, that day shall be excluded;
COUNCIL:	The City Council of Cold Bay;
JUDGE or MAGISTRATE:	The judge of any court of law;
LAW:	Federal law, state law, the state constitution, city ordinances and any and all rules and regulations which may be promulgated there under;
MAY:	Is permissive;
MAYOR:	The Mayor of the City of Cold Bay;
MONTH:	A calendar month;
MUNICIPAL OFFICER:	An officer of the City, elected or appointed;
MUNICIPAL EMPLOYEE:	A person who works for the City, whether paid or unpaid;
MUST and SHALL:	Each is mandatory;
OATH:	Includes an affirmation or declaration of the truth;
ORDINANCE:	A law of the City;
OWNER:	Any and all persons holding title to property;
PEACE OFFICER:	Any officer whose duty it is to enforce the laws and preserve the public peace;
PERSONS:	A corporation, company, partnership, firm, association, organization, business, trust, or society, as well as a natural person;
PERSONAL PROPERTY:	All property other than real estate;
PUBLISH:	To post a notice within the City in three locations open to the public, one of which shall be the city offices, for a period of not less than five days;
REAL PROPERTY:	Land and all improvements thereon;
REGISTERED MAIL:	Includes certified mail;
SIGNATURE:	Includes properly witnessed mark by a person who

	cannot write;
STATE:	The State of Alaska;
STREET:	Streets, roads, avenues, alleys or other public ways;
TENANT:	Or "occupant": Any person or persons occupying real property;
VOTER:	A United States citizen who is qualified to vote in State elections, has been a resident of the City of Cold Bay for 30 days immediately preceding the election, is registered to vote in State elections, and is not disqualified under Article V of the constitution of the State of Alaska;
WRITTEN:	Includes printed, typed or hand written;
YEAR:	Calendar year, unless otherwise noted.

#### Section 1.01.030 Grammatical interpretation.

The following grammatical rules shall apply in the Cold Bay City Code and the ordinances of the City:

- A. Gender. Any gender includes the other genders.
- B. Singular and plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.
- D. All words and phrases shall be construed and understood according to the context and the commonly approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- E. "May" is permissive.
- F. "Must" and "Shall", each is mandatory.

#### Section 1.01.040 Effect of repeal of ordinances.

Ordinances repealed remain in force for the trial and punishment of all past violations of them, and for the recovery of penalties and forfeitures already incurred, and for the preservation of all rights and remedies existing by them and so far as they apply, to any office, trust, proceeding, right, contract, or event already affected by them.

#### Section 1.01.050 Severability of ordinances and parts of Code.

Any ordinance enacted before or after the adoption of this Code which lacks a severability clause shall be construed as though it contained the clause in the following language: "If any provision of this ordinance, or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby."

**Section 1.01.060**                    **General penalty.**

Every act prohibited by ordinance of this City is unlawful. Unless other penalty is expressly provided by this Code for any particular provision or section, every person convicted of a violation of any provision of this Code, shall be punished by a fine of not more than three hundred dollars (\$300). Such fine shall be set at the discretion of the fining authority. Council may, at its discretion, require community service at the equivalent rate of \$5 per hour. A "violation" is a noncriminal offense punishable only by a fine, but not by imprisonment or other penalty; conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime; a person charged with a violation is not entitled to:

- A.     A trial by jury; or
- B.     Have a public defender or other counsel appointed at public expense to represent the person.

The penalty provided by this section shall, unless any other penalty is expressly provided, apply to the amendment of any section of this Code, whether or not such penalty is re-enacted in the amendment ordinance.

**Section 1.01.070**                    **Laws of Alaska; violations.**

No person shall violate any law of the State of Alaska, nor any rule or regulation adopted by any duly authorized agency of the State of Alaska. Violations of the foregoing shall be violations of the Code of Ordinances of the City of Cold Bay, Alaska, except where the State has exclusive jurisdiction over the offense.

**Section 1.01.080**                    **Amendments to Code; effect of new ordinances.**

All ordinances passed after the adoption of this Code which amend, repeal, or in any way affect this Code shall be numbered according to the numbering system of this Code. Repealed chapters, sections and subsections or any part thereof shall be excluded from the Code. Amendments to this Code shall be made by specific reference to the section number of this Code in substantially the following language: "Chapter \_\_\_\_\_, Section \_\_\_\_\_ of the Code of Ordinances of the City of Cold Bay, Alaska, is hereby amended to read as follows:"

If a new chapter or section is to be added to this Code, substantially the following language shall be used: "The Code of Ordinances of the City of Cold Bay, Alaska, is hereby amended by addition of the following chapter(s)(or section(s))."

All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

Section 1.01.090            Distribution.

This Code with amendments shall be made available to the public for inspection on request. A reasonable fee for the cost of photocopying all or parts of this Code may be charged to anyone requesting copies provided that copies of ordinances that provide for penalties shall be made available for distribution to the public at no more than cost. Copies of this Code shall be furnished to the courts and law enforcement personnel as needed upon their request.

Section 1.01.100            Supplements or revisions to the Cold Bay City Code.

Amendments and supplements to this Code shall be typed or printed and included within this Code within sixty (60) days after adoption by the Council.

The Cold Bay City Code shall be supplemented at regular intervals or if the Council deems that supplementation of the code is unnecessary, the Code shall be revised and printed every five years.

Section 1.01.110            Ordinances included in the Cold Bay City Code.

The Council shall cause each ordinance and resolution to be printed as promptly as possible following its adoption in the following manner:

- A. Ordinances enacted by the City Council and permanent in nature shall be inserted into the Cold Bay City Code when properly prepared and authenticated by the City Clerk.
- B. Emergency, bond, temporary and appropriation ordinances and resolutions shall be retained in the form enacted.
- C. All titles to ordinances, all enacting and repealing clauses, all declarations of emergency, and all purpose, validity and construction clauses shall be omitted from the Code unless from their nature it may be necessary to retain some of them to preserve the full meaning and intent of the ordinance.

Section 1.01.120            Time ordinances take effect.

An ordinance which has been approved by the Council shall be effective 24 hours after passage, unless otherwise stated in the ordinance.

## Section 1.01.130 Corrections.

When in this code or any amendments or additions thereto there are any errors the correction of which does not change the meaning of any section of this code, the Council may authorize the correction of these errors by substitution of corrected pages for the incorrect pages without amendment or following ordinance procedure.

The following corrections are so authorized:

- A. Manifest errors which are clerical, or typographical in nature, or errors in spelling, or errors by way of addition or omission;
- B. Changes in capitalization for the purpose of uniformity;
- C. Correction of manifest errors in references to laws;
- D. Correction of mistakes in grammar; and
- E. Correction of citations or references to laws, statutes and ordinances whose designations have changed because of renumbering or revision of the Alaska Statutes, federal law, or this Code.

CHAPTER 02  
**CITY INFORMATION**

Sections:

- 010. Name of City and form of government.
- 020. City limits and history.
- 030. City Seal.

Section 1.02.010                      Name of City and form of government.

The City of Cold Bay shall continue as a municipal corporation and political subdivision of the State of Alaska under the Name: "City of Cold Bay, Alaska." The government of the City shall be that commonly known and designated as the Council-Mayor form of government.

Section 1.02.020                      City limits and history.

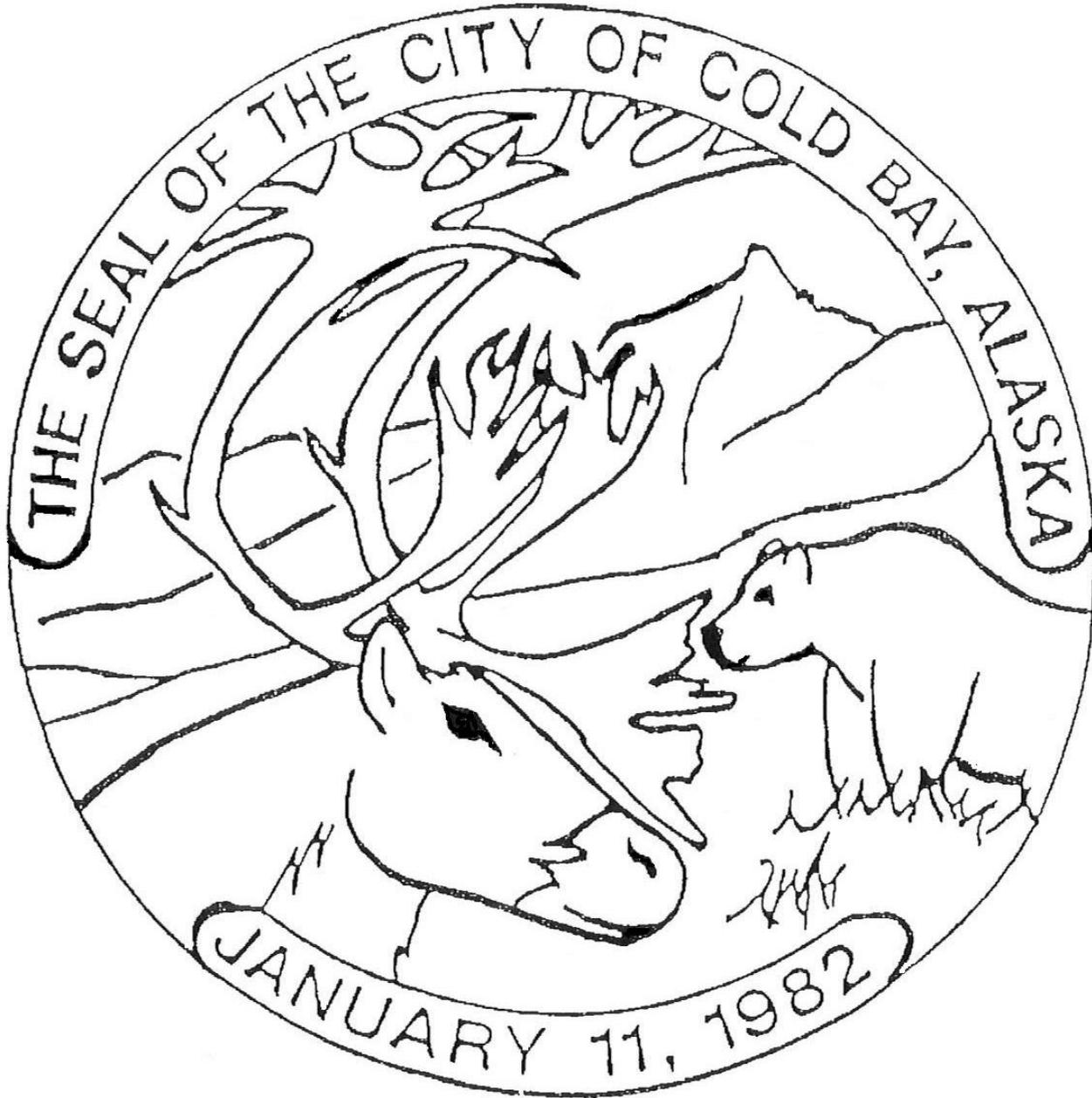
The boundaries of the City are as follows: Beginning at the protracted NW corner of Section 3, T57S, R90W, Seward Meridian; thence east to the protracted NE corner of Section 1, T57S, R89W, S.M.; thence south along the line common to R88W and R89W, S.M. to a point 2,000 feet seaward of the line of mean high water of the body of water known as Cold Bay; thence meandering southerly and southeasterly along a line 2,000 feet seaward of and paralleling the line of mean high water of the body of water known as Cold Bay to the intersection with the extension of the line (north-south) common to Sections 25 and 26, T58S, R88W, S.M.; thence south to the protracted SE corner of Section 26, T58S, R88W, S.M.; thence west to the protracted SW corner of Section 28, T58S, R88W, S.M.; thence north to the protracted NW corner of Section 28, T58S, R88W, S.M.; thence west to the protracted SW corner of Section 19, T58S, R88W, S.M.; thence north to the protracted NW corner of Section 18, T58S, R88W, S.M.; thence west to the protracted SW corner of Section 11, T58S, R89W, S.M.; thence north to the protracted NW corner of Section 2, T58S, R89W, S.M.; thence west to the protracted SW corner of Section 31, T57S, R89W, S.M.; thence north to the protracted SE corner of Section 13, T57S, R90W, S.M.; thence west to the protracted SW corner of Section 15, T57S, R90W, S.M.; thence north to the protracted NW corner of Section 3, T57S, R90W, S.M., the point of beginning; all situated in the Third Judicial District, State of Alaska.

The boundaries of the City as above described were the effective city limits as of incorporation of the City of Cold Bay as a second class city on the 15th day of April, 1982.

The Certificate of Incorporation is recorded in Book 21, page 486, at the Aleutian Islands Recording District in Anchorage, Alaska. This certificate was recorded on the 6th day of July, 1982

Section 1.02.030 City Seal.

The City shall have a seal consisting of two concentric circles bearing the words in the outer circle "City of Cold Bay, Alaska, January 11, 1982," and in the inner circle "the scene depicted below".



CHAPTER 03  
**ORDINANCES; RESOLUTIONS; REGULATIONS**

Sections:

- 010. Acts of the Council.
- 020. Acts required to be by ordinance.
- 030. Ordinance procedure
- 040. Ordinance form and content.
- 050. Amendments to Code; effect of new ordinances; amendatory language.
- 060. Emergency ordinances.
- 070. Ordinances confined to single subject.
- 080. Requirements for passage.
- 090. Signature.
- 100. Ordinance file.
- 110. Repeal shall not revise any ordinance.
- 120. Formal acts by resolution.
- 130. Procedures for resolutions.
- 140. Requirements for passage of resolutions.
- 150. Rules and regulations.
- 160. Codes of regulations.

**Section 1.03.010**                    **Acts of the Council.**

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The Council shall act only by ordinance, resolution, or motion. Law of a general, uniform, and permanent nature shall be reduced to ordinance. When the Council expresses opinions, principles, facts, or propositions, it shall be in the form of a resolution. Orders and directions to the city administrator shall be by motion or resolution.

**Section 1.03.020**                    **Acts required to be by ordinance.**

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In addition to other actions which the Alaska Statutes require to be by ordinance, the Council shall use ordinances to:

- A. Establish, alter, or abolish city departments;
- B. Amend or repeal an existing ordinance;
- C. Fix the compensation of members of the Council;
- D. Provide for the sale of city property;
- E. Provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
- F. Provide for the levying of taxes;
- G. Make appropriations, including supplemental appropriations or transfer of appropriations;
- H. Grant, renew, or extend a franchise;
- I. Adopt, modify, or repeal the comprehensive plan, land use and subdivision regulations, building and housing codes, and the official map;
- J. Approve the transfer of a power to a first or second class borough;
- K. Provide for the retention or sale of tax-foreclosed property;
- L. Regulate the rate charged by a public utility; AND
- M. Exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in A.S. 36.25.025.

**Section 1.03.030**                    **Ordinance procedure.**

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A proposed ordinance is introduced in writing by the Mayor or other Council member, or by a committee of Council members, at any lawful council meeting. All council members shall be furnished with a copy of the proposed ordinance.

After the ordinance is introduced and discussed, the Council shall vote on whether to set the time and date for a public hearing on the ordinance. If there are at least four votes in favor of setting a public hearing, the draft ordinance shall be assigned a reference number and the Clerk shall post the proposed ordinance, draft budget and budget summary. The proposed budget ordinance shall include the time and place set for the public hearing. The public hearing on the proposed ordinance shall follow the date the notice was published by at least five days. The public hearing may be held at any lawful council meeting.

At the public hearing, copies of the proposed ordinance shall be available to all persons present who request them or the proposed ordinance shall be read in full. During the public hearing the Council shall hear all interested persons wishing to be heard. After the hearing, the Council shall consider the proposed ordinance and may adopt it with or without amendment. The Council shall type or print and make available copies of the adopted ordinance.

If a proposed ordinance is amended by the Council after the public hearing, and the amendments are so substantial that they change the ordinance's basic character, the proposed ordinance shall be treated as a newly-introduced proposed ordinance.

Section 1.03.040 Ordinance form and content.

All ordinances enacted by the Council shall be in substantially the following form:

- A. The heading: "City of Cold Bay, Alaska;"
- B. The Ordinance Number;
- C. The title, which summarizes the ordinance's provisions and includes any penalties imposed;
- D. The enacting clause which shall read: "BE IT ENACTED BY THE COUNCIL OF THE CITY OF COLD BAY, ALASKA;";
- E. The provisions of the ordinance;
- F. The dates of introduction, first reading, and public hearing;
- G. The date of adoption;
- H. Space for the signature of the Mayor; and
- I. Space for the Clerk's signature attesting to the signature of the Mayor.

The form appearing at the end of this chapter illustrates the form set out in this section and is suggested for use by Council members.

Section 1.03.050 Amendments to Code: effect of new ordinances; amendatory language.

All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code, shall be numbered according to the numbering system of this Code and be printed for inclusion herein. In the case of chapters, sections and subsections or any part thereof repealed by subsequent ordinances, such repealed portions shall be excluded from the Code by omission from reprinted pages affected thereby.

Amendments to any of the provisions of this Code shall be made by specific reference to the section number of this Code in substantially the following language: "Chapter \_\_\_\_, Section \_\_\_\_ of the Code of Ordinances of the City of Cold Bay, Alaska is hereby amended to read as follows:. The new chapter or section shall then be set out in full with language to be deleted placed in brackets, and language to be added underlined. After passage of the amending ordinance, the new chapter or section will be written to reflect the changes, and inserted into the code in its proper place.

If a new Chapter or Section not heretofore existing in the Code is to be added the following language shall be used: "The Code of Ordinances of the City of Cold Bay, Alaska is hereby amended by addition of a chapter or section, to be numbered \_\_\_\_\_, which chapter or section reads as follows:. The new chapter or section shall then be set out in full as desired.

All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be. A file of all repealed, amended or failed ordinances will be kept, as well as a file of the repealing or amending ordinances.

Section 1.03.060                      Emergency ordinances.

To meet public emergencies the Council may adopt emergency ordinances effective on adoption. Each emergency ordinance shall contain a finding by the Council that an emergency exists and a statement of the facts upon which the finding is based. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present or the affirmative vote of three-fourths of the total council membership, whichever is less, is required for adoption. The Council must type or print and make available copies of adopted emergency ordinances. An emergency ordinance may not be used to levy taxes; to grant, renew, or extend a franchise; or to regulate the rate charged by a public utility for its services. An emergency ordinance is effective for 60 days.

Section 1.03.070                      Ordinances confined to single subject.

Every ordinance shall be confined to one subject unless it is an appropriation ordinance or one codifying, revising, or rearranging existing ordinances. Ordinances for appropriations shall be confined to appropriations. The subject of each ordinance shall be expressed in the title.

Section 1.03.080                      Requirements for passage.

Four affirmative votes are required for the passage of an ordinance. The final vote on an ordinance is a recorded roll call vote.

If State law requires an ordinance to be submitted to the voters at a city election, the ordinance is adopted after the election favoring the ordinance has been certified by the Council.

Section 1.03.090                      Signature.

Each adopted ordinance shall be signed by the Mayor and attested by the Clerk.

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**Section 1.03.100 Ordinance file.**

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The City Clerk shall keep a separate permanent file for ordinances. This file shall contain all ordinances introduced, passed, failed and repealed. Amended ordinances shall be kept in a separate permanent file. A table of contents shall indicate the status of each ordinance. All ordinances shall be available for public inspection.

**Section 1.03.110 Repeal shall not revive any ordinance.**

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The repeal of an ordinance shall not repeal the enacting clause of such ordinance or revive any ordinance which has been repealed.

**Section 1.03.120 Formal acts by resolution.**

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Formal acts by the Council not required by law to be enacted by ordinance and not being acts of a general and permanent nature may be adopted by resolution. A resolution shall have:

- A. The heading "City of Cold Bay, Alaska;"
- B. Space for a number to be assigned: "Resolution No. \_\_\_\_\_";
- C. A short and concise title descriptive of the resolution's subject and purpose;
- D. Short premises or WHEREAS clauses descriptive of the reasons for the resolution, if necessary;
- E. The resolving clause "Be it Resolved";
- F. The date of adoption;
- G. Space for the signature of the Mayor; and
- H. Space for the Clerk's signature attesting to the signature of the Mayor. All resolutions adopted by the Council whether at the request of a third party or on the motion of the Council shall conform to the requirements set forth in this section. Resolutions shall not be included in the Code, but shall be kept in a separate permanent file by the City Clerk and shall be available for public inspection.

The form appearing at the end of this chapter illustrates the form set out and is suggested for use by Council members

**Section 1.03.130 Process for resolutions.**

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Every resolution shall be introduced in writing. All council members shall be furnished a copy of the proposed resolution or the resolution shall be read aloud before any vote for passage is taken.

At any meeting where a resolution is to be introduced, all interested persons shall, prior to the vote of the council, be given an opportunity to be heard concerning that resolution. After such hearing, the Council may finally pass such resolution with or without amendments. After adoption, every resolution shall be posted in full on the city bulletin board and in such other places as the Council may direct. Every resolution, unless it shall specify a later date, shall become effective upon adoption. If the resolution is submitted at a city election when State law requires, then after the election favoring the resolution has been certified by the Council, the resolution may be adopted.

Section 1.03.140 Requirements for passage of resolutions.

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Four affirmative votes are required for the passage of a resolution. The final vote on each resolution is a recorded roll call vote.

Section 1.03.150 Rules and regulations.

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Any rule or regulation made by an administrative officer or board or commission shall be posted for ten (10) days in three public places following its approval by the Council.

Section 1.03.160 Codes of regulations.

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The Council may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The regular ordinance procedure applies except that neither the code of regulations nor its amendments need be distributed to the public or read in full at the hearings. For a period of 15 days before adoption of an ordinance under this section at least five copies of the code of regulations shall be made available for public inspection at a time and place set out in the hearing notice. Only the adoption ordinance need be printed after adoption. The Council shall provide for an adopted code of regulations to be made available to the public at no more than cost.

CITY OF COLD BAY, ALASKA  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE of the City of Cold Bay \_\_\_\_\_

BE IT ENACTED BY THE COLD BAY CITY COUNCIL AS FOLLOWS:

Sections:

- 1.
- 2.
- 3.

Section 1.

Section 2.

Section 3.

DATE INTRODUCED: \_\_\_\_\_

FIRST READING: \_\_\_\_\_

PUBLIC HEARING: \_\_\_\_\_

PASSED and APPROVED by the COLD BAY CITY COUNCIL this \_\_\_\_\_  
\_\_\_\_\_ day of 19\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

CITY OF COLD BAY, ALASKA  
RESOLUTION NO.

A RESOLUTION of the City of Cold Bay \_\_\_\_\_

WHEREAS; and

WHEREAS; and

WHEREAS,

NOW THEREFORE BE IT RESOLVED:

PASSED and APPROVED by the COLD BAY CITY COUNCIL this \_\_\_\_\_  
day of 19\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

CHAPTER 04  
**PUBLIC RECORDS**

Sections:

- 010. Definitions.
- 020. Ownership and custody of records.
- 030. Duties of city clerk.
- 040. Public records; Inspection and copying.
- 050. Confidential records.
- 060. Retention and disposal.
- 070. Records management. (Reserved)

**Section 1.04.010**                      **Definitions.**

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As used in this chapter, "record" means any document, record, paper, letter, file, book, account, photograph, microfilm, microfiche, map, drawing, chart, card, magnetic media or computer printout, or other document of any material, regardless of physical form or characteristic, created or acquired under law or in connection with the transaction of official business and preserved or appropriate for preservation by the City, as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the City or because of the information value in them. "Record" does not include extra copies of documents made or preserved solely for convenience of reference, or for public distribution.

**Section 1.04.020**                      **Ownership and custody of records.**

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- A. All records shall be and remain city property. Records shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed, and otherwise managed, only in accordance with the provisions of this chapter or as otherwise provided by law.
- B. City records, or copies of city records which have been certified by the clerk, shall be prima facie evidence of their contents.

**Section 1.04.030**                      **Duties of City Clerk.**

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The Clerk shall be responsible for the administration and maintenance of the public records. The Clerk shall:

- A. Compile and maintain an inventory of the public records, including those in the custody of other city officials and employees, those which have been placed in storage or destroyed, and those which are confidential;
- B. Establish and maintain a system for filing and retrieval of records, including procedures for keeping track of, retrieving, and re-filing records which are temporarily removed from the permanent files for use by the Clerk, other city officials or employees, or members of the public;
- C. Develop a general schedule for the relocation of inactive records to a centralized location for storage, recording or duplication, or to the Alaska Department of Community and Regional Affairs as provided by A.S. 40.21.090, and for the destruction of records pursuant to Section 6, while protecting the confidentiality of those records which are not open to public inspection pursuant to Section 050;
- D. Establish and maintain a system to allow inspection and copying of public records by members of the public, while maintaining the confidentiality of those records which are not open to inspection pursuant to Section 050; and
- E. The Clerk shall have access to the Alaska Statutes and make them available for public inspection.

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**Section 1.04.040**                      **Public records; inspection and copying.**

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- A. Except as provided in Section 050, city records are public records.
- B. Public records are open to inspection by the public during the Clerk's regular office hours, subject to reasonable rules relating to time, place, and manner of inspection, to be established by the Clerk. The Clerk shall give, on request and payment of costs, a copy or certified copy of portions of the public record.

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**Section 1.04.050**                      **Confidential records.**

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- A. Except as otherwise provided by law, confidential records shall not be made available to the public or to any city officer, official or employee whose duties do not require access to the record in question.
- B. The following city records are confidential:
  - 1. Records of vital statistics and adoption proceedings, which shall be treated in the manner required by A.S. 18.50;
  - 2. Records pertaining to juveniles;
  - 3. Medical and related public health records;
  - 4. Personnel records, except as provided in Chapter 75.
  - 5. Other records required by federal or state law or regulation or by ordinance to be kept confidential.

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**Section 1.04.060**                      **Retention and disposal.**

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- A. All city records shall be retained until the Council, in writing, authorizes their disposal.
- B. The Clerk shall propose and the Council shall by resolution or ordinance approve a records retention and disposal schedule dictating how long various categories of routine records shall be kept before they no longer have legal, administrative, or historical value and may be destroyed by the Clerk. The Clerk may dispose of routine records pursuant to the retention schedule.
- C. The Clerk shall periodically review the city records, including inactive documents in storage, to determine whether he or she considers any to be without legal, administrative or historical value. When the Clerk identifies such records, he or she may propose to the Council that such records be destroyed. The Clerk's proposal to the Council shall include lists of these records sufficiently detailed to identify the records and to permit the council to determine whether the records retain any legal, administrative, or historical value, and shall also include the proposed means of disposal. If the Council finds that certain records so identified by the Clerk are without legal, administrative, or historical value, it may authorize their disposal and specify the means by which they may be disposed of. With such authorization, the Clerk may dispose of the specified records in the manner approved by the Council.
- D. The Clerk shall file a descriptive list of the records disposed of and a record of the disposal itself. The Clerk shall provide copies of these documents to the Council.

Section 1.04.070

Records management. (Reserved)

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CHAPTER 05  
**CITY COUNCIL**

Sections:

- 010. City Council; composition.
- 020. Qualification of Council members.
- 030. Election of Council members; terms.
- 040. Oath of office.
- 050. Compensation of Council members.
- 060. Conflicts of interest.
- 070. Employment of Council members.
- 080. Vacancies.
- 090. Recall.
- 100. Filling a vacancy.

Section 2.05.010 City Council; composition.

The Council shall consist of seven members elected by the voters at large.

Section 2.05.020 Qualifications of Council members.

Council members shall be qualified city voters. Candidates for Council shall have resided in the city for not less than nine months preceding the date of filing nominating petitions or declarations of candidacy for election to the council.

Council seats are designated and terms expire as follows:

- Seat A - term expires in 2007, then 2010, 2013, 2016, 2019, etc.
- Seat B - term expires in 2006, then 2009, 2012, 2015, 2018, etc.
- Seat C - term expires in 2006, then 2009, 2012, 2015, 2018, etc.
- Seat D - term expires in 2007, then 2010, 2013, 2016, 2019, etc.
- Seat E - term expires in 2007, then 2010, 2013, 2016, 2019, etc.
- Seat F - term expires in 2008, then 2011, 2014, 2017, 2020, etc.
- Seat G - term expires in 2008, then 2011, 2014, 2017, 2020, etc.

A Councilmember who ceases to be a voter in the City immediately forfeits office.

Section 2.45.430 Election of Council members; terms.

An election shall be held annually on the first Tuesday in October to choose Council members for staggered three year terms and until successors are elected and have qualified, and to decide such other questions or propositions as may require a vote of the people and are placed upon the ballot. Council members' terms of office begin following certification of the election.

Section 2.05.040 Oath of office.

All officers, whether elected or appointed, before entering upon the duties of office shall in writing the following oath or affirmation:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the State of Alaska, and the laws and ordinances of the City of Cold Bay, Alaska, and that I will honestly, faithfully and impartially discharge my duties as \_\_\_\_\_ to the best of my ability."

The oath is filed with the City Clerk.

Section 2.05.050 Compensation of Council members.

Council members shall be paid for serving on the Council at the rate of \$50 for each regular meeting of the council attended. Compensation shall be paid for attending two special meetings per year. Per diem payments or reimbursements for expenses are not compensation under this section.

Section 2.05.060 Conflicts of interest.

If a Council member has a substantial financial interest in an official action, the Council member shall declare that interest and ask to be excused from a vote on the matter.

Section 2.05.070 Employment of Council members.

Elected officials may be hired by the City, or a subcontractor of the City, for temporary or permanent part-time employment. Elected officials shall be considered on the basis of merit with all other job applicants. Employees of the City, or a subcontractor of the City, elected or appointed to a seat on the City Council may continue in their employment, subject to the approval of the Council, and the provisions of this section.

Section 2.05.080 Vacancies.

An elected city office is vacated under the following conditions. The Council shall declare an elective office, other than the office of Mayor, vacant when the person elected:

- A. Fails to qualify or take office within thirty days after his election or appointment;
- B. Is physically absent from the City for ninety consecutive days unless excused by the Council;
- C. Resigns and his resignation is accepted;
- D. Is physically or mentally unable to perform the duties of his office as determined by two-thirds vote of the Council;
- E. Is convicted of a felony or an offense involving a violation of the oath of office;
- F. Is convicted of a felony or misdemeanor described in A.S. 15.56 and two-thirds of the members of the Council concur in expelling the person elected;
- G. Is convicted of a violation of A.S. 15.13;
- H. No longer physically resides in the City and the Council by two-thirds vote declares the seat vacant; or
- I. If a member of the Council, misses three consecutive regular meetings and is not excused.

Section 2.05.090 Recall.

- A. An official who is elected or appointed to an elective city office may be recalled by the voters after the official has served the first 120 days of the term for which elected or appointed.

- B. Grounds for recall are misconduct in office, incompetence or failure to perform prescribed duties.
- C. Procedures to be followed for a recall petition and election are those set out in Chapter 26 of Title 29.
- D. If a Council member is recalled that office is filled in accordance with this Chapter. If all members of the Council are recalled, the governor shall appoint three qualified persons to the Council. The appointees shall appoint additional members to fill remaining vacancies. A person appointed to the Council serves until a successor is elected and takes office.
- E. If an official other than a member of the City Council is recalled, a successor shall be elected to fill the un-expired portion of the term. The election shall be held no more than 60 days after the date the recall election is certified, except that if a regular election occurs within 75 days after certification the successor shall be chosen at that election. Nominations for a successor may be filed until seven days before the last date on which a first notice of the election must be given. Nominations may not be filed before the certification of the recall election.

Section 2.05.100                      Filling a vacancy.

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If a vacancy occurs in the City Council, the remaining members shall, within 30 days, appoint a qualified person to fill the vacancy. If less than 30 days remain in a term, a vacancy may not be filled. Notwithstanding the less than 30 days remaining in a term provision, if the membership of the Council is reduced to fewer than the number required to constitute a quorum, the remaining members shall, within seven days, appoint a number of qualified persons to constitute a quorum. A person appointed under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term.

CHAPTER 06  
**MAYOR**

Sections:

- 010. Election and term of Mayor.
- 020. Duties of Mayor.
- 030. Vice Mayor; presiding officer pro tem.
- 040. Compensation of Mayor.
- 050. Oath of office.
- 060. Vacancy in the office of Mayor.
- 070. Mayor is ex-officio officer.

Section 2.06.010                      Election and term of Mayor.

The Mayor is elected by and from the Council, and serves until a successor is elected and has qualified. The Council shall meet on the next scheduled council meeting to elect a Mayor who takes office immediately. The Mayor serves a one year term and may serve as Mayor only while a member of the Council.

Section 2.06.020                      Duties of Mayor.

The executive power in the City is vested in the Mayor. The Mayor acts as ceremonial head of the City and executes official documents on authorization of the Council. The Mayor presides at City Council meetings and as a Council member shall vote on all matters. The Mayor does not have the power of veto. The Mayor may hire necessary administrative assistants and may authorize an administrative official to appoint, suspend or remove subordinates in conformance with the City's personnel ordinances. As chief administrator the Mayor shall:

- A. Appoint, suspend or remove city employees and administrative officials as provided in the City's personnel ordinances;
- B. Supervise the enforcement of city law and carry out the directives of the Council;
- C. Prepare and submit an annual budget and capital improvement program for consideration by the Council, and execute the budget and capital improvement program adopted;
- D. Make monthly financial reports and other reports on city finances and operations as required by the Council;
- E. Exercise custody over all real and personal property of the City;
- F. Serve as personnel officer, unless the Council authorizes the Mayor to appoint a personnel officer; and
- F. Perform such other duties, as required by law or ordinance or lawfully prescribed by the Council.

Section 2.06.030 Vice-Mayor; presiding officer pro tem.

A Vice Mayor is elected by and from the Council for a term of one year and until a successor is elected and has qualified. The Vice Mayor shall be elected and take office immediately at the next scheduled council meeting held after certification of the regular election.

Section 2.06.040 Compensation of Mayor.

The Mayor of the City shall receive compensation at the rate of \$1,500.00 per quarter for service as mayor.

Section 2.06.050 Oath of Office.

The Mayor before entering the duties of office shall affirm in writing an oath of office as provided for Council members in Section 2.05.040 of this Code.

The oath is filed with the Clerk.

Section 2.06.060 Vacancy in the office of Mayor.

- A. The Council shall, by two-thirds concurring vote, declare the office of Mayor vacant only when the person elected:
1. Fails to qualify or take office within 30 days after election or appointment;
  2. Unless excused by the Council, is physically absent from the City for 90 consecutive days;
  3. Resigns and the resignation is accepted;
  4. Is physically or mentally unable to perform the duties of office;
  5. Is convicted of a felony or of an offense involving a violation of the oath of office;
  6. Is convicted of a felony or misdemeanor described in A.S. 15.56;
  7. Is convicted of a violation of A.S. 15.13;
  8. No longer physically resides in the City; or
  9. Misses three consecutive regular council meetings and is not excused.
- B. A vacancy in the office of Mayor shall be filled by and from the Council. A Mayor appointed under this subsection serves the balance of the term to which appointed, except the Mayor may serve only while a member of the Council.
- C. Recall provisions of Section 2.05.080 of this Code apply to the office of Mayor.

Section 2.06.070 Mayor is ex-officio officer.

The Mayor is an ex-officio member of every committee or department organized or functioning under this Code.

CHAPTER 07  
**COUNCIL MEETINGS**

Sections:

- 010 Meetings public.
- 020. Quorum.
- 030. Regular council meetings.
- 040. Special meetings.
- 050. Notice.
- 060. Executive session.

Section 2.07.010 Meetings public.

Meetings of all city bodies shall be public. The Council shall provide reasonable opportunity for the public to be heard at regular and special meetings.

Section 2.07.020 Quorum.

Four Council members constitute a quorum. A member disqualified by law from voting on a question may be considered present for purposes of constituting a quorum. In the absence of a quorum any number of members may recess or adjourn the meeting to a later date.

Section 2.07.030 Regular council meetings,

All regular meetings of the Council shall be held on the third Tuesday of each month.

The usual place of council meetings shall be at the Cold Bay Municipal Building, provided, however, that in the event of any condition which renders the meeting place unfit to conduct any regular meeting of the Council, the meeting may be moved.

Section 2.07.040 Special meetings.

Special meetings of the Council are those meetings which are called by the presiding officer or one-third of the members of the Council for a time different than that fixed for the regular council meetings. The location of all special council meetings shall be the same as that authorized for regular meetings.

At least 24 hours oral or written notice must be given a majority of Council members and reasonable efforts made to notify all members. A special meeting may be conducted with less than twenty-four (24) hours notice if all Council members are present or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held. A waiver of notice shall be made a part of the journal for the meeting.

No business shall be discussed or transacted except that business mentioned in

the notice for that meeting.

Section 2.07.050 Notice.

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For the purpose of giving notice of meetings, reasonable public notice is given if a statement containing the date, time and place of meeting is posted not less than seventy-two (72) hours before the time of the meeting in at least three public places. Notwithstanding the preceding as much notice as is practicable shall be given. In the case of a special meeting where twenty-four (24) hours or less notice is given Council members, public notice shall be posted at the same time as notice is given Council members.

Section 2.07.060 Executive session.

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All meetings of the Council are public meetings. However in cases where excepted subjects are to be discussed at a council meeting the Council may consider holding an executive session. The meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that are excepted subjects shall be determined by a majority vote of the Council. This vote shall be a recorded roll call vote. If the vote to hold an executive session is affirmative, the public will be asked to leave the meeting hall until the executive session is concluded or the Council shall withdraw to a private area of the hall to hold the executive session. The public shall be given notice of the excepted subject to be discussed, the amount of time the Council expects to spend in executive session and the expected time of reconvening of the public meeting. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to main question. No action may be taken at the executive session. Upon conclusion of the executive session the public meeting will be reconvened. During the public meeting action may be taken on the excepted subjects discussed at the executive session. Excepted subjects which may be discussed at an executive session are:

- A. Matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;
- B. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
- C. "Matters which by law, municipal charter, or ordinance are required to be confidential; and
- D. Matters involving consideration of government records that by law are not subject to public disclosure.

CHAPTER 08  
**COUNCIL PROCEDURES**

Sections:

- 010. Mayor; the presiding officer at council meetings.
- 020. Meetings; order of business.
- 025. Agenda.
- 030. Minutes.
- 035. Council rules; amendment; suspension; violation.
- 040. Council rules; speaking; rules of conduct.
- 050. Motions; second required.
- 060. Motions; disposition; withdrawal.
- 070. Motions; question under debate; motions received.
- 080. Motions; division of question.
- 090. Motions; putting questions in order moved.
- 100. Motions; ordering previous question.
- 110. Motions; reduction to writing.
- 120. Motions; rescinding vote.
- 125. Motions; amending amendments.
- 130. Motion to reconsider.
- 140. Voting; quorum.
- 150. Duties of the Clerk at council meetings.

Section 2.08.010. Mayor; the presiding officer at council meetings.

The Mayor shall preside at all meetings of the Council, shall preserve order among the Council members, and is responsible for conduct of all meetings according to the rules of the Council. He may at any time make such rules as he considers proper to preserve order among the attending public in the city council chamber during sessions of the Council. He may, at any time, require any member to be chair in his place during any meeting, such substitution to continue until he elects to resume the chair, but in no event beyond adjournment of the meeting at which the substitution was made. The Vice Mayor shall preside in the absence of the Mayor.

In the temporary absence or disability of the Mayor and Vice Mayor, any member of the City Council may call the Council to order at any duly called meeting to elect a presiding officer pro tempore from among its number. The presiding officer pro tempore shall exercise all the powers of Mayor and may also vote.

Section 2.08.020 Meetings: order of business.

At every regular meeting of the City Council the order of business shall be as follows:

- A. Call to order.
- B. Roll call.
- C. Approval of Agenda.
- D. Minutes of previous meetings.
- E. Reports.
- F. Communications, appearances and requests.
- G. Hearings, ordinances and resolutions.
- H. Old business.
- I. New business.
- J. Community Comments.
- K. Council comments.
- L. Adjournment.

Section 2.08.025 Agenda.

- A. Regular and Special Council Meetings. All reports, communications, ordinances, resolutions, contracts, or other matters to be submitted to the council shall, no later than one week prior to each regular council meeting, be delivered to the city clerk. A list of such matters shall be made according to the order of business and the clerk shall make public notice of the agenda for that meeting no later than the Thursday prior to the regular council meeting. The clerk shall furnish each member of the council with a copy of the same in packet form no later than the Friday prior to each regular council meeting. The agenda for special council meetings shall be delivered to all the council members if possible, but at least a majority of the council members and posted no later than 24 hours prior to the special meeting. A special meeting may be conducted with less than 24 hours notice if all members are present or have waived, in writing, their right to be present. This waiver may be made after the meeting has taken place. Only those items on the agenda shall be taken up at a special meeting.
- B. Work Sessions. Any matter to be considered by the council in work sessions shall be listed in agenda form by the clerk and given to the council at least three days prior to the work session, along with all written material for that session. Reasonable public notice shall also be made.

Section 2.08.030 Minutes.

- A. Minutes of all regular and special meetings shall be taken. Summary notes can be provided, upon request, for each work session. Minutes are the proceedings of the Council. All typewritten meeting minutes shall be kept in a separate permanent journal. The minutes are public records and are to be made available to anyone upon request. One copy of any

meeting shall be given free of charge to any person appearing in person and requesting same, with extra copies available in person or by mail at \$1 a copy. Subscriptions are available at the rate of \$10 per year.

Minutes shall be posted, as soon as typewritten, at a public place.

- B. Approval of the minutes may be done without reading, if the clerk has previously furnished each member with a copy thereof.
- C. A council member may request through the mayor, the privilege of having a verbatim record of his statement on any subject under consideration by the council, either at a regular, special, or work session meeting entered into the minutes.

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Section 2.08.035 Council rules amendment: suspension; violation.

- A. A proposed amendment to, or repeal of any rule of the council shall be submitted in writing at a meeting and shall become the first item of unfinished business at the next regular meeting.
- B. In all matters of parliamentary procedure not covered in these rules, Robert's Rules of Order shall govern.
- C. The city council rules and order of business shall be observed in all cases, unless suspended temporarily for a special purpose of an emergency nature by a majority vote of the council members present. Any member may move at any time for suspension of any rule and such motion must have a second to entitle it to be considered.
- D. If any member transgresses the rules of the council, the presiding officer shall, or any member can, call him to order, in which case the member so called to order shall immediately cease discussion unless permitted by the presiding officer to explain. The council, if appealed to, shall decide the question without debate. If the decision is in favor of the member, he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the council to proceed in order.

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Section 2.08.040 Council rules; speaking; rules of conduct.

- A. A Council member about to speak shall respectfully address the Mayor or the presiding officer, and shall not commence to speak until recognized by the Mayor or presiding officer. When two or more members request to speak at the same time, the Mayor or presiding officer shall determine which one is recognized.
- B. Every member while speaking shall confine himself to the subject under debate, shall refrain from personalities and shall not refer to any other member of the Council except in a respectful manner.
- C. Unless a member who has the floor yields, no member shall interrupt another while speaking, except for parliamentary inquiry or to make a point of order.
- D. No member shall speak more than twice or for more than ten minutes continuously to any one question, except that additional periods of ten minutes may be granted by unanimous consent of the council.

Reading into the record by any member shall be by himself or by the city clerk within the member's time limitation unless permission to read outside the time limitation is unanimously granted.

- E. Requests for appeal from any decision of the presiding officer must be seconded, and no other business shall be in order until the appeal has been decided. The question on appeal is not debatable and shall be put as follows: "Shall the decision of the chair stand as the judgment of the council?" It shall be deemed to be decided in the affirmative unless a majority of the votes given are to the contrary.
- F. Point of order: Any member may make a point of order without a second at any time. The presiding officer may speak to points of order in preference to other members and shall decide all such questions, subject to appeal to the council by motion and second; and no other business shall be in order until the question on the appeal has been decided.

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Section 2.08.050                      Motions; second required.

All motions shall require a second, unless otherwise provided by special rule.

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Section 2.08.060                      Motions; disposition: withdrawal.

After a motion is seconded and stated or read by the Mayor or presiding officer, it shall be considered to be in the possession of the Council and shall be disposed of by vote, but the council member making the motion may withdraw it at any time before the vote, if the second agrees.

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Section 2.08.070                      Motions; question under debate motions received.

- A. When a question is under debate, the presiding officer shall receive any of the following motions but no other:
  - 1. To adjourn;
  - 2. To recess;
  - 3. To raise a question of privilege;
  - 4. To call for the order of the day, or the regular order;
  - 5. To lay on the table;
  - 6. To limit or extend limits of debate;
  - 7. To postpone to a certain time;
  - 8. To refer;
  - 9. To amend;
  - 10. To postpone indefinitely.
- B. When one of the above motions has been made, none of the others inferior to it in the order in which they stand above shall be made, and in proceeding to vote, motions pending shall be put in the order of their rank as above arranged. The first six are not subject to debate. A motion to postpone to a certain time, refer, amend, or to postpone indefinitely may be amended; the previous question may be demanded before an amendment, which motion shall be decided without debate. A motion to adjourn shall always be in order if business of a nature to be recorded in

- the minutes has been transacted since any previous motion to adjourn has been voted down. No motion or proposition of a subject different to that under consideration shall be admitted under color of an amendment.
- C. When a matter has been especially assigned to be taken up at a fixed time, or at a certain stage of proceedings, such a matter shall, no later than the appointed time or at any later time, be in order upon the call of any member, and take precedence over all other business.

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Section 2.08.080            Motions; division of question.

Any member may require the division of a question, when the sense of it will admit.

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Section 2.08.090            Motions; putting questions in order received.

The presiding officer shall put all questions in the order in which they are moved unless a subsequent motion is previous in its nature. In naming sums or fixing times, the largest sum or the longest time shall be put first.

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Section 2.08.100            Motions; ordering previous question.

When the previous question is moved by any member, all debate on the immediately pending motion shall be suspended immediately and the presiding officer shall put the question in the following form: "The previous question is moved on (specifying the motion on which the previous question is demanded). All those in favor of ordering the previous question will so indicate." If the motion receives a two thirds majority, the presiding officer will proceed immediately to put to a vote the question on which the previous question was ordered. If less than a majority so indicates, the question reverts to the immediately pending question which is again open to debate and amendment as if the previous question had not been demanded.

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Section 2.08.110            Motions; reduction to writing.

Any motion must be put in writing if the Mayor or presiding officer requires or if any Council member demands. No other motion may be entertained while this is being done.

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Section 2.08.120            Motions; rescinding vote.

Any previous vote may be rescinded by vote of the majority of the Council, provided the subject has not passed out of the control of the council.

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Section 2.08.125            Motions; amending amendments.

A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be entertained.

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Section 2.08.130            Motion to reconsider.

When a vote has been taken either passing or defeating any proposition or legislation, any council member who voted on the prevailing side may move for

reconsideration at the same meeting or at the next succeeding meeting whenever motions are in order, provided that the subject matter has not passed out of control of the council. The term "prevailing side" includes the negative side which has prevailed because the affirmative side has failed to muster the requisite number of votes required for passage of the measure. A motion to reconsider requires a majority of affirmative votes and, if it prevails, the subject shall be open to debate and amendment in the same manner as the original question. Debates on motions to reconsider shall be limited to twenty-five minutes and no member shall speak for more than five minutes. No measure shall be reconsidered more than once.

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Section 2.08.140                      Voting; quorum.

- A.     Four Council members constitute a quorum. Four affirmative votes are required for passage of an ordinance, resolution, or motion.
- B.     All Council members present shall vote on every question, unless required to abstain from voting on a question by law. The final vote on each ordinance, resolution, or substantive motion shall be recorded "yes" or "no", except that if the vote is unanimous it may be so recorded.
- C.     The Mayor or presiding officer shall declare the result of all votes. If any member doubts a vote, the presiding officer, without further debate on the question, shall request the members voting in the affirmative and negative respectively to so indicate and he shall declare the result.

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Section 2.08.150                      Duties of the Clerk at council meetings.

The City Clerk shall give notice of city council meetings, shall attend all meetings of the Council and keep the minutes, shall authenticate by his/her signature and record in fill in a book or file kept for that purpose all ordinances and resolutions duly indexed and open to public inspection. In case of the temporary absence of the City Clerk the City Council may appoint a duly qualified temporary clerk, with all the powers, duties and obligations of the City Clerk.

CHAPTER 09  
**CITY CLERK**

Sections:

- 010. Appointment; term.
- 020. City Clerk.
- 030. Additional duties of the Clerk.
- 040. Acting clerk.
- 050. Clerk's pay.

Section 2.09.010            Appointment; term.

The City Clerk shall be appointed by the mayor, subject to approval by the city council.

Section 2.09.020            City Clerk.

The City Clerk shall:

- A. Give notice of the time and place of council meetings to the Council and to the public;
- B. Attend council meetings and keep the minutes;
- C. Arrange publication of notices, ordinances and resolutions;
- D. Maintain and make available for public inspection an indexed file containing city ordinances, resolutions, rules, regulations and codes;
- E. Attest deeds and other documents; and
- F. Perform other duties specified in the Alaska Statutes or prescribed in this Code or by the Mayor or by resolution of the Council.

The Council may combine the office of Clerk with that of the Treasurer.

Section 2.09.030            Additional duties of the clerk.

- A. The City Clerk shall record and certify all actions of the Council;
- B. Shall have the power to administer all oaths required by law;
- C. Shall be custodian of the city seal and the official records of the City;
- D. Shall give to the proper officials ample notice of the expiration or termination of any terms of office and when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements; and
- E. Shall be the city election supervisor and shall be responsible for the calling and supervision of all city elections.

Section 2.09.040            Acting clerk.

In case of temporary absence of the City Clerk, the Council may appoint a duly qualified acting clerk with all the powers and obligations of the City Clerk.

Section 2.09.050 Clerk's pay.

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The Council shall determine the pay of the Clerk or acting clerk.

CHAPTER 10  
**CITY OFFICES AND OFFICERS**

Sections:

- 010. Meetings public.
- 020. Executive session.
- 030. Public notice of meetings.
- 040. Publication.
- 050. Emergency meeting.
- 060. Compensation of elected officials not to be varied.
- 070. Appointment of officers.
- 080. Prohibitions.
- 090. Conflicts of interest.

Section 2.10.010                      Meetings public.

All council meetings shall be public. The council shall provide reasonable opportunity for the public to be heard at regular and special meetings.

Section 2.10.020                      Executive session.

- A. All meetings of the council, subcommittees of the council, boards, administrative agencies and commissions created by this code or by the council, shall be open to the public; provided, however, that the following excepted subjects may be discussed in executive session by any of the above:
1. Matters the immediate knowledge of which would clearly have an adverse effect upon finances of the government unit;
  2. Discussions of pending or threatened lawsuits in which the city has an interest;
  3. Subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion;
  4. Or matters which by law or ordinance are required to be confidential.
- B. If excepted subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting, and the question of holding an executive session to discuss matters that come within the exceptions contained in subsection A of this section shall be determined by a vote of the body. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session.

Section 2.10.030                      Public notice of meetings.

Reasonable public notice shall be given of all meetings of an administrative body, board, commission, committee, subcommittee, authority, agency or other organization including subordinate units of the above groups of the city

including but not limited to council, school board, platting board, departments, commissions or organizations advisory or otherwise of the city.

Section 2.10.040                      Publication.

For the purpose of giving notice of regular meetings, reasonable public notice is given if a notice of the date, time and place of the meeting is posted in three public places within the city no later than the Thursday preceding the meeting. If the meeting is a special meeting, then the announcement shall be posted no later than twenty four hours before the meeting and contain the subject to be discussed.

Section 2.10.050                      Emergency meeting.

An emergency meeting of the council may be held after such public notice as is reasonable under the circumstances without regard to the publication requirements in Section 2.10.040, upon the establishment of a quorum and the affirmative vote of all members present that a public emergency affecting life, death, welfare or property exists and that reasonable public notice of the meeting has been given. Emergency ordinances passed at any such meeting are in effect for only sixty days.

Section 2.10.060                      Compensation of elected officials not to be varied.

The council may fix by ordinance the compensation of elected officials before they are elected. Compensation may not be changed during a term of office. An elected official may not receive any other compensation for service to the city; except that council members may, upon affirmative vote of a majority of the council, be hired for temporary employment on capital projects. Per diem payments or reimbursements for expenses are not compensation under this section.

Section 2.10.070                      Appointment of officers.

The municipal clerk, attorney and treasurer are appointed by the mayor, subject to confirmation by the council, and serve at the pleasure of the council.

Section 2.10.080                      Prohibitions.

No person may be appointed to or removed from municipal office or in any way favored or discriminated against with respect to a municipal position because of his race, color, sex, creed, national origin or because of his political opinions or affiliations.

Section 2.10.090                      Conflicts of interest.

A council member or other officer or employee of the city shall disqualify himself from participating in any official action in which he has a substantial financial interest.



- C. All records and accounts of every office, department and agency of the city shall be open to inspection by any registered voter at all reasonable times and under reasonable regulations established by the mayor, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish and except such records as are required by state law or city ordinance to be kept confidential. Each department head shall be held responsible for the preservation of all public records under his jurisdiction and shall provide a system of filing and indexing the same. No public records, reports, correspondence or other data relative to the business of any department shall be destroyed or removed permanently from the files except in accord with the record retention schedule.

Section 2.11.020 Failure to perform duties of office; removal.

Every elective and appointed office shall be declared vacant by resolution of council if the incumbent fails to take office and perform the duties of the position. The following constitutes failure to perform the duties of the position:

- A. Unexcused absence from nine regularly scheduled meetings during the course of his term of office;
- B. Unexcused absence from more than three consecutive meetings. Requests for excused absence shall be given to the clerk, to the body as a whole or to the designated or acting presiding officer and shall include the reason for the absence.
- C. Election or appointment to borough, state or federal office; provided however, that appointment to or service in military units of the state or federal government, or election or appointment to boards or commissions for which no payment is received other than reimbursement for expenses, shall not constitute election or appointment within the meaning of this subsection; and provided further that council members may serve in those offices during the same time they hold city elective offices, but shall receive no pay or expenses from the city whatsoever during sessions of the state body to which elected or appointed.

Section 2.11.030 Participation in contracting prohibited.

- A. No municipal officer or employee who stands to benefit financially in any contract with, or to be made with, the city or borough or the sale of any land, material, supplies or services to the city or borough or to a contractor supplying the city or borough may participate in his capacity as a municipal officer or employee in the making or performance of such contract or the making of such sale, nor may he discuss or vote on any such contract or sale.
- B. The following shall not constitute a financial interest prohibited by this section:
1. A contract with a person, firm, corporation or association for whom a city officer or employee works, if the person's pay will not be directly

- affected as a result of the contract and the person's duties do not directly involve the procurement, preparation or performance of the contract;
2. A contract in which a city officer or employee has an interest if such contract was entered into before he was elected or appointed, but this exception shall in no event authorize a renewal of any such contract;
  3. A contract with or sale by a corporation in which a city officer or employee has an interest by reason of stockholding when:
    - a. The stock of the corporation is publicly held, or
    - b. Less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee.
  4. A contract or sale in which a municipal officer or employee has an interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of five thousand dollars.
- C. The following do not constitute a vote where the council member or board or commission member has a substantial financial interest:
1. A vote to adopt or approve a variance request, a conditional use request or an amendment to a zoning test or map unless the council member or commission member is directly or indirectly the applicant initiating the request;
  2. A vote on the question of recommending, approving or directing a condemnation proceeding;
  3. A vote pertaining to a fee schedule to be established or changed, if the only connection the council member or board member has with the person or firm is as an employee or minor shareholder.

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Section 2.11.040                      Disclosure of interest.

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- A. Any city officer or employee who has any financial interest in any business brought before the council shall make that interest known. Any city officer or member of any board or commission who has any financial interest in any question to be voted upon by the body of which he is a member shall make that interest known.
- B. Violation of this section shall invalidate the contract or sale at the discretion of the city council.
- C. All disclosures of financial interests shall be decided by the mayor, whose decision may be overturned by a majority vote of the council. In the case of a commission or board member, the chairman shall make the determination, and his decision may be overturned by a majority vote of the board or commission. Any decision or opinion rendered under this subsection may be appealed.

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Section 2.11.050                      Suspension and forfeiture of office or employment.

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- A. In addition to the penalty provided in Section 2.11.080, any officer or employee of the city who knowingly conceals any financial interests in violation of this chapter, or who willfully violates the requirements of this chapter is guilty of malfeasance and shall be subject to recall from his office or discharge from his employment.
- B. The council shall be the body to hear and decide all matters concerning suspension or removal of any municipal employee on the grounds of a violation of this chapter:
1. Upon a charge, that a named municipal officer or employee has violated a provision of this chapter, in writing and signed by any resident of the city being filed with the clerk, the city attorney shall immediately investigate the charge. If the complaint is against the clerk, the complaint may be filed with either the mayor or the attorney. When the complaint is against the attorney, it will be referred by the clerk to the mayor who will retain private council to investigate and, if so ordered by the mayor or the council, prosecute the charge.
  2. The attorney or retained counsel shall render his opinion and findings of fact to the mayor and the council. The party under investigation shall be notified of his right to prepare and have included his own statement of the facts, however, failure to notify or include shall not constitute a fatal procedural flaw.
  3. When the complaint concerns a council member, a hearing is initiated by introducing a resolution by another council member, a group of council members or a committee of the council.
  4. After the attorney or retained counsel's opinion and findings of fact have been delivered to the mayor and council, and the opinion involves a city officer or employee who is not a council member, or involves a consultant, advisor, contractor or other person covered by this chapter, the matter may be brought before the council for hearing by filing charges with the clerk.
  5. If the attorney cannot, without conflict, prosecute the charge, the council shall retain counsel for the purpose of prosecution. This provision shall apply to both subsections 3 and 4 of this section.

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Section 2.11.060                      Transactions between city and officials or employees.

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- A. Should any official or employee of the city have or intend to have business dealings with the city whereby he may derive income and benefits other than those provided as remuneration for his official duties, or duties of his employment, he shall file with the city clerk a written statement which shall include the nature of the proposed transaction and the extent of the officer or employee's interest in the transaction.
- B. Claims as a result of lawsuits or under applicable workmen's compensation statutes shall not, for the purpose of this section only, be construed as business dealings with the city.

Section 2.11.070                      City employees; indemnification against claims.

- A. An employee of the city against whom a claim is made or a proceeding is threatened or brought, because of his being or having been an employee of the city, may be indemnified against:
1. Reasonable expenses incurred by him including legal fees; and
  2. Liabilities imposed upon him, including any amount paid in settlement in order to satisfy a judgment or order.
- B. No employee may be indemnified unless an independent determination shows:
1. He acted in a matter which is related to his employment and in which the city has an interest;
  2. He acted in discharge of a duty imposed or authorized by law;
  3. He acted in good faith and in addition, in the case of a criminal action, that he had no reasonable cause to believe that his conduct was unlawful.
- C. The determination shall be made by independent legal counsel selected by the city council, except any court findings concerning any of the above three required determinations shall be conclusive when the employee shall be a party to the court proceeding.
- D. Indemnification for reasonable expenses incurred in a successful defense is a matter of right.
- E. No indemnification shall be permitted:
1. For legal expenses of defense when the city attorney or a city insurance policy provides a defense without conflict of interest; or
  2. For liability imposed where a city insurance policy provides for payment, or the employee is indemnified against any liability imposed; or
  3. Where the city makes the claim or brings the proceeding against the employee.
- F. Where a claim is brought against an employee and the employee requests the city provide him with independent legal counsel pending the prosecution of the claim or proceeding, the city shall provide independent legal counsel if in the judgment of the city council there may be a possible conflict of interest between the city's position and that of the employee, or the liability of the employee concerns claims or defenses not reasonably related to the defense or position of the city.

Section 2.11.080                      Penalty for violations.

Any violation of any of the provisions of this chapter shall be punished under the provisions of Section 1.01.060.

CHAPTER 12  
**CITY ATTORNEY**

Sections:

- 010. City attorney.
- 020. Duties.
- 030. Pay.

Section 2.12.010                      City attorney.

There may be a city attorney who shall be appointed by the Council. He/she shall hold office at the pleasure of the Council.

Section 2.12.020                      Duties of city attorney.

The city attorney may:

- A. Be charged with the performance of all legal services of the City, including those of legal advisor to the Council, the Mayor, and to all departments and offices of the City;
- B. Represent the City in all matters, civil and criminal, in which the City is interested;
- C. Draft any ordinance when required by the City Council or Mayor;
- D. Upon request of the Mayor or Council attend meetings of the City Council, either in person or via conference call;
- E. Report to the City Council promptly all suits brought against the City;
- F. Call to the attention of the City Council and the Mayor all matters of law affecting the City;
- G. Render all opinions in writing, as far as is practicable;
- H. Maintain a record of all opinions rendered and turn such record over to his successor in office; and
- I. Perform such other duties as the Mayor or Council may require.

Section 2.12.030                      Pay.

The Council shall determine the pay of the City Attorney.

CHAPTER 13  
**CITY TREASURER**

Sections:

- 010. Appointment.
- 020. Duties.
- 030. Pay.

Section 2.12.010                      Appointment.

The treasurer is elected by and from the Council. He or she shall hold office at the pleasure of the Council. The Office of Treasurer is combined with that of City Clerk.

Section 2.13.020                      Duties.

The treasurer shall:

- A. Except as provided in Title 14, be the custodian of all city funds and property;
- B. Keep an itemized account of money received and disbursed;
- C. Pay money and vouchers drawn against appropriations;
- D. Assist the Mayor in preparing the annual budget of the City;
- E. Prepare and submit to the Mayor and Council such financial reports and other data as may be required or requested;
- F. Prescribe and implement those procedures necessary to protect city funds and property;
- G. Be responsible for filing state and federal applications for shared revenue programs;
- H. Give bond to the City in a sum that the Council directs. Premiums for any such bond shall be paid by the City; and
- I. Perform other duties specified by state law or city ordinances or assigned by the Mayor or by resolution of the Council.

Section 2.13.030                      Pay. (Reserved)

The Council shall determine the pay of the Treasurer.

CHAPTER 14  
**CITY ADMINISTRATOR**

Sections:

- 010. Appointment; term.
- 020. Duties of Administrator.
- 030. Pay.

Section 2.14.010                      Appointment; term.

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The City Administrator shall be appointed by the Council and shall hold office at the pleasure of the Cold Bay City Council who shall define the duties and terms of employment.

Section 2.14.020                      Duties.

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The City Administrator shall perform the functions and duties specified in the code of ordinances of the City of Cold Bay, A.S. Title 29, and any other legally permissible and proper duties and functions as the City Council shall from time-to-time assign. The Administrator shall assist the Mayor completely in discharging the Mayor's responsibility under 2.07.020.

Section 2.14.030                      Pay.

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The Mayor and Council shall establish the City Administrator's pay by resolution.

CHAPTER 15  
**FUEL TRANSFER TAX**

Sections:

- 010. Fuel transfer tax levied.
- 020. Payment of tax.
- 030. Quarterly return required.
- 040. Penalties and interest.
- 050. Confidential materials.
- 060. Forced filing.
- 070. Regulations; forms and interpretations.
- 080. Preservation of records; audits; falsification.
- 090. Exemptions.
- 100. Definitions.
- 110. Enforcement and penalties.

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Section 3.15.010            Fuel transfer tax levied.

There is levied and shall be paid the city a tax of two cents per gallon on each gallon or part of a gallon of fuel transferred within the city.

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Section 3.15.020            Payment of tax.

The tax levied under this chapter is a liability of and shall be paid by the person or firm who owned the fuel immediately prior to the transfer.

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Section 3.15.030            Quarterly return required.

- A.     Taxes required to be paid under this chapter during a calendar quarter are due and payable to the city on the last day of the calendar quarter. Every person liable for the payment of the tax shall file with the city on forms furnished by the city a return containing information on the following:
- 1. All fuel transfers, including exempt transfers, by the person during the calendar quarter;
  - 2. Nontaxable transfer during the calendar quarter;
  - 3. Taxable transfers during the calendar quarter;
  - 4. Taxes due; and
  - 5. Interest, penalties and such other information as may be required on the form.
- B.     The return shall be signed and its completeness and accuracy sworn to under penalty of perjury by the individual filling out the return.
- C.     The completed return, together with the tax due for the calendar quarter, must be received by the City on or before the close of business on the last City business day of the month following the calendar quarter for which the return is required. Taxes and returns received after such time are delinquent and are subject to penalty and interest.

- D. Any person who was required to pay a tax during a calendar quarter shall file a return for the next following calendar quarter even though no tax may be due during that quarter. A return filed for a quarter in which no tax was due must show why no tax was due. If the business is sold or transferred to another, whether voluntarily or involuntarily, a final return shall be filed, paying the tax due up to the time of sale or transfer, and identifying to whom the business was sold or transferred. A person who files a return for a calendar quarter in which no taxes are due is not required to file another return until the person is required to pay a tax under this chapter.
- E. Amounts received by the city as taxes, penalty or interest under this chapter shall be applied in the following order:
1. Penalties due, beginning with the oldest penalty;
  2. Interest due, beginning with the interest due on the oldest quarter; and
  3. Taxes due, beginning with the taxes due from the oldest quarter.

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Section 3.15.040 Penalties and interest.

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- A. A person who fails to file a return, or who fails to remit by the due date of the quarterly return all the taxes due the city by that person, shall pay a penalty of five percent of the taxes due if no return is filed and five percent of the delinquent amount if a return is filed. The penalties shall be imposed for each month or part of a month during which the delinquency or failure to file exists up to a maximum of 25 percent; provided, the total penalty for a single calendar quarter may not exceed one thousand dollars. The filing of an incomplete return shall be treated as the filing of no return.
- B. Interest at the rate of eight (8) percent per annum shall be paid on all taxes due the city that are not received by the city as required under this chapter. Interest does not accrue on penalties.
- C. A person required to pay the tax under this chapter who fails or refuses to produce adequate records or allow inspection at such reasonable time as requested or demanded by the manager shall pay to the city a penalty equal to three times any deficiency found or estimated by the mayor to have occurred; provided, the minimum penalty is three hundred dollars.
- D. A person required to maintain records under the provisions of this chapter shall immediately notify the City of any fire, theft, or other casualty that would prevent the person from complying with the provisions of this chapter. Such casualty is a defense to a civil penalty levied under this section, but does not excuse the person from the liability for payment to the city of taxes due. Accidental or unexplained loss of funds or records does not excuse a person from the performance of any of the requirements under this chapter.

Section 3.15.050 Confidential material.

- A. Returns filed with the City for the purpose of complying with the terms of this chapter and all data obtained from such returns are confidential, and shall be kept from inspection by all private persons except as necessary to enforce the collection of the tax levied under this chapter or to investigate and prosecute violations of this chapter.
- B. Nothing contained in this section shall prohibit the delivery to a person or a duly authorized representative of the person of a copy of any return or report filed by the person, nor prohibit the publication of statistics classified as to prevent the identification of particular taxpayers nor prohibit the furnishing of information on a reciprocal basis to other agencies of the State or the United States concerned with the enforcement of tax laws.

Section 3.15.060 Forced filing.

If a person required to pay taxes under this chapter fails to file a complete and accurate return or to pay all the taxes due, the Mayor may make an estimate of the tax due based upon any information available. The Mayor shall file a return for such person and shall provide a copy of the return to the person with a request that the person file a correct return along with payment of the taxes due. The Mayor may require the person filing the return to provide sufficient information to support the corrected return. If the person has not filed a corrected return satisfactory to the Mayor along with the taxes due within thirty (30) days of the date of the mailing of the filing made by the Mayor, a penalty equal to ten percent of the taxes shown as due shall be paid in addition to all other penalties and interest due. The amounts shown as due on the filing made by the Mayor are presumed to be true and accurate unless different amounts are proven by the taxpayer.

Section 3.15.070 Regulations; forms and interpretations.

- A. The Mayor may adopt forms and promulgate regulations to implement this ordinance. Regulations or procedures adopted by the Mayor are effective at the time indicated, but are subject to revision or repeal by the city council at the next meeting following their promulgation or at any time that the city council acts thereon. The council shall be provided with a copy of regulations immediately upon promulgation by the Mayor.
- B. Should a taxpayer be in doubt as to the application of this chapter to an actual situation, the person may apply to the Mayor for an informal ruling on the issue. Rulings having general application may, at the direction of the Mayor, be promulgated as regulations.

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**Section 3.15.080**                      **Preservation of records; audits; falsification.**

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- A. Persons required to pay tax on the transfer of fuel shall preserve for three years all books, records and other documents relating to all transfers of fuel by the person without regard to whether such transfers are taxable.
- B. For the purpose of determining the correctness of a return, or for the purpose of determining the amount of tax owed by any person required to pay the tax under this chapter, the Mayor may appoint a disinterested third party to conduct audits, investigations and hearings concerning any matters covered by this chapter and to examine any relevant books, papers, records, or memoranda of any person or any officer or employee of a business that transfers fuel. Persons required to attend such a hearing may be required to give testimony under oath.
- C. No person required to provide information or to keep or provide records of any nature may falsify or change the content of a record so as to misrepresent the facts or information contained therein, nor submit to the city any information or record that has been falsified or changed to create a misrepresentation.

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**Section 3.15.090**                      **Exemptions.**

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The following transfers are exempt from the provisions of this chapter:

- A. Transfers of fuel where a prior transfer of the same fuel has been subject to the tax;
- B. Transfers of fuel upon which the tax levied under this chapter is prohibited by state or federal law;
- C. Transfers of ten gallons or less, including transfers of a total of more than ten gallons where the fuel is packaged in barrels or cans that contain ten gallons or less; and
- D. All sales to federal, state and local government agencies.

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**Section 3.15.100**                      **Definitions.**

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For the purpose of this chapter, the following words and phrases have the meanings set out in this section unless a different meaning is clearly indicated from the context:

"City" is the City of Cold Bay, Alaska.

"Container" includes aircraft, motor vehicles, watercraft and other mobile devices used for transporting fuel in bulk as well as tanks, barrels, cans and other objects used for holding, storing or transporting fuel but does not include a fuel supply tank.

"Fuel" includes all liquid substances refined, compounded or produced primarily for the purpose of consumption in an internal combustion engine.

"Fuel supply tank" is a tank used solely to supply fuel to an engine to which it is connected that consumes fuel for the production of motive power.

"Mayor" is the Mayor of the City of Cold Bay.

"Person" includes individuals and every person recognized in law and every person or group of persons acting as a unit without regard to the form of

organization, whether acting as a corporation, partnership, joint venture, club, trust or other form of association.

"Transfer" includes the transfer of fuel from the possession or ownership of one person to another and the transfer of fuel from one container to another container, but does not include a transfer to a fuel supply tank.

Section 3.15.110                      Enforcement and pPenalties.

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- A. Violation of any of the requirements of this chapter is a misdemeanor. For convictions for a violation of a provision of this chapter, a fine of not to exceed five hundred dollars may be imposed; except, for a subsequent violation of any provision of this chapter, whether similar to or different from the prior conviction, the maximum penalty that may be imposed is a fine of one thousand dollars, if the subsequent conviction is for a violation that occurred within three years after the conviction for the prior violation.
- B. Each day upon which a violation of this chapter continues is a separate offense.
- C. The city may recover taxes, interest and civil penalties due in a civil action independent of or in addition to any criminal action filed.

CHAPTER 16  
**FISCAL PROCEDURES**

Sections:

- 010. Fiscal year.
- 020. Ordinance required.
- 030. Treasurer.
- 040. Checking and savings accounts.
- 050. Responsibilities of officers.
- 060. Insufficient funds in book account.

Section 3.16.010            Fiscal year.

The fiscal year of the City shall begin on the first day of July every year and end on the last day of June in the following calendar year.

Section 3.16.020            Ordinance required.

All monies spent or received by the City during a fiscal year shall be budgeted for by ordinance.

Section 3.16.030            Treasurer.

The Council may combine the office of City Clerk with that of the treasurer. The treasurer shall be responsible for collection, custody and disbursement of all city money.

Section 3.16.040            Checking and savings account.

- A. All checks drawn on the treasury of the City shall be signed by two elected officials designated by resolution.
- B. City employees shall not be authorized to withdraw funds from city accounts as signators or otherwise.
- C. All checks prior to issuance shall be approved to be within budget allowances as prescribed by ordinance.
- D. Operating cash shall be kept in one financial institution to be designated by resolution.
- E. The City Clerk and bookkeeper shall make a monthly review of anticipated incomes, expenditures and budgets and report to the Council any cash balances in excess of 60 days of budgeted city operation. Upon directive of the Council such balances above 60 days' budgeted operating costs shall be placed in the following types of short term or long term, as appropriate, investments:
  - 1. Savings accounts, certificates of deposit or interest bearing checking accounts at federally chartered savings institutions;
  - 2. Bonds, notes or other obligations.

Section 3.16.050 Responsibilities of Officers.

The Council, as the representatives of the people entrusted with the receipt and expenditure of public monies are responsible for reviewing and overseeing city office procedures and ensuring that the public monies are properly received, expended and accounted for.

The Mayor shall execute the budget as approved by the Council and as chief administrative officer of the City shall ensure that proper accounting procedures are followed. The city staff and City Clerk, under the immediate supervision of the Mayor and under the direction of the City Council shall carry out all duties as directed, including day to day administrative supervision of projects and management and supervision of the city office and office staff. The bookkeeper under supervision of the City Clerk shall among other duties keep a complete set of records of the financial transactions of the City.

Section 3.16.060 Insufficient funds in bank account.

No city checks may be written at any time when funds are insufficient. Willful violation of this provision and conviction thereof shall result in a fine of not more than three hundred dollars (\$300). Such fine shall be set at the discretion of the fining authority.

CHAPTER 17  
**BUDGET**

Sections:

- 010. Preparation of the budget.
- 020. Scope of budget.
- 030. Budget message. (Reserved)
- 040. Anticipated revenue compared with previous year.
- 050. Scope of capital improvement program. (Reserved)
- 060. Budgetary control.
- 070. Revenues.
- 080. Budget summary.
- 090. Budget adopted as ordinance.
- 100. Public hearing on budget.
- 110. Further consideration of budget.
- 120. Adoption of budget; vote required.
- 130. Effective date of budget; certification.
- 140. Budget public record.
- 150. Amendment of the budget.

Section 3.17.010                      Preparation of the budget.

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The City Clerk and treasurer with assistance of the bookkeeper shall prepare the budget under direction of the Mayor. Budget preparation should begin by April 1 and shall be based upon detailed departmental estimates and work programs.

Section 3.17.020                      Scope of budget.

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The budget shall be a complete financial plan for all the operations of the City showing beginning cash balances, anticipated revenues from whatever source and shall itemize all proposed expenditures for all city departments. It shall include a comparative statement with the estimated expenditures and revenues of the preceding fiscal year and estimated expenditures and anticipated revenues for the current fiscal year. Proposed expenditures shall not exceed the total of anticipated revenues and beginning cash balances.

Section 3.17.030                      Budget message. (Reserved)

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- A. Current operations. The budget message submitted by the mayor to the city council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the city for the budget year and shall describe the most important features of the budget plan. It shall set forth the reasons for major changes from the previous year in appropriation and revenue items and it shall explain any major changes in policy.

- B. Capital improvements. As part of the budget message, the mayor shall include a statement of pending capital projects and proposed new capital projects, relating the respective amounts, if any, proposed to be aided by the issuance of bonds during the budget year. A forecast of the projected debt ratios will be provided.
- C. Attached to the budget message shall be supporting schedules, exhibits and other explanatory material, in respect to both current operations and improvements, as the mayor shall believe useful to the council.

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Section 3.17.040                      Anticipated revenues compared with previous year.

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In parallel columns opposite the several items of anticipated revenues there shall be placed the amount of each such item actually received in the previous fiscal year; the amount of each item of the budget of the current fiscal year; and the amount actually received during the first six months of the current fiscal year. Anticipated revenues shall be composed of "taxes," "licenses and permits," "intergovernmental revenue," "charges for services," "fines and forfeits," "miscellaneous revenue," and "cash reserves."

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Section 3.17.050                      Scope of capital improvement program. (Reserved)

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- A. The capital improvements program and budget shall contain at least the following:
  - 1. A summary of current capital improvements which are unfinished including cost to date and projected costs to completion;
  - 2. A simple, clear summary of the detailed contents of the program;
  - 3. Capital improvements pending or proposed to be undertaken within the ensuing fiscal year, together with the estimated cost of each improvement and the proposed method of financing it;
  - 4. An estimate of additional annual cost of operating and maintaining the improvements;
  - 5. An estimate of annual cost reduction in operation and maintenance with completion of improvement; and
  - 6. A six-year projection of operating expenditures and debt service compared with a forecast of revenues by fund.
- B. Based upon the six-year projection of expenditures and revenues, a financial management program and policy will be proposed which should work toward reducing debt pressures, enhance the municipal credit rating and accomplish the needed improvement program.
- C. The appropriation ordinance shall appropriate from the various funds the moneys for the capital improvement project to the capital improvements fund. Disbursement made for each authorized project or improvement from the capital outlay to total budget will be presented in each fiscal year's operating budget.

- D. A pay-as-you-go program for projects contained in the six-year program to accomplish recognized levels of capital outlay to total budget will be presented in each fiscal year's operating budget.

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Section 3.17.060 Budgetary control.

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- A. Before budget appropriations can be encumbered the treasurer will certify that there is an unencumbered appropriation and available funds.
- B. No officer, department or agency shall, during any budget year, expend or contract to expend any money or incur any liability in excess of the amounts appropriated for that general classification of expenditures, without prior approval by the council.
- C. All appropriations lapse at the end of the budget year to the extent that they have not been expended or lawfully encumbered.
- D. The mayor may transfer unencumbered appropriation balances within budget line items. The council, at the request of the mayor or on its own prerogative, may transfer unencumbered appropriation balances from one budget line item to another line item, not to exceed 10% of the line item transferred from, or \$10,000, whichever is less. If the amount to be transferred exceeds this amount, the budget ordinance shall be amended to reflect the change.

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Section 3.17.070 Revenues.

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- A. Measures of estimates. No revenue from any source, except year-end surpluses from publicly owned enterprises, shall be included as an anticipated revenue in the budget in an amount in excess of the average of the amount actually realized in cash from the same source in the previous fiscal year, and that actually realized in the first six months of the current fiscal year, plus that anticipated for the remaining portion of the fiscal year, estimated as accurately as may be, unless the mayor shall determine that the facts clearly warrant the expectation that such excess amount will actually be realized in cash during the budget year and the budget message explains this determination.
- B. Revenues from new source. Revenue from a new source not previously stated in the budget shall not be included unless the mayor shall determine the facts clearly warrant the expectation that such revenue will be actually realized in cash during the budget year in the amount stated and the budget message explains such determination. If the new revenue is to be received as an inter-governmental transfer, the anticipated amount shall not exceed the amount which an appropriate officer of the transferring agency shall declare in writing to be the amount which may reasonably be anticipated in the budget year.

**Section 3.17.080**                      **Budget summary.**

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At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources and amounts of anticipated revenue and principal categories and amounts of proposed expenditures, so as to present to the citizens of Cold Bay a simple and clear summary of the detailed estimates of the budget.

**Section 3.17.090**                      **Budget adopted as ordinance.**

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The budget shall be adopted as a non-code ordinance following procedures for ordinance adoption. After the introduction and first reading of the proposed budget ordinance the Council shall determine the place and time of the public hearing on the budget and shall post such notice in three places in the City at least two weeks prior to the hearing. The Clerk shall include in the notice the budget ordinance, draft budget and a summary of the budget. The proposed budget ordinance shall include the time and place set for the public hearing. The public hearing on the proposed ordinance shall follow the date the notice was published by at least five days. The public hearing may be held at any lawful council meeting.

**Section 3.17.100**                      **Public hearing on budget.**

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At the time and place so advertised, the Council shall hold a public hearing on the budget as submitted, at which time all interested persons shall be given an opportunity to be heard for or against the estimates of any item thereof

**Section 3.17.110**                      **Further consideration of budget.**

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After the conclusion of such public hearing, the Council may insert new items or may increase or decrease the items of the budget, except items on proposed expenditures fixed by law. The Council may not vary the titles, descriptions, or conditions of administration specified in the budget.

**Section 3.17.120**                      **Adoption of budget: vote required.**

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The budget shall be adopted by a favorable vote of a majority of the Council, preferably by May 21, but no later than June 21.

**Section 3.17.130**                      **Effective date of budget certification.**

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The budget ordinance shall take effect on the first day of July following adoption and shall be in effect for the fiscal year, or until amended. A copy of the budget, as finally adopted, shall be signed by the Mayor and certified by the Clerk and filed in the office of the Clerk.

**Section 3.17.140**                      **Budget public record.**

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The budget and all supporting schedules are public records and shall be open to public inspection. Copies of the budget shall be available for distribution at cost to all interested persons.

**Section 3.17.150**                      **Amendment of the budget.**

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The budget shall be amended following the procedures for amending ordinances at such times as circumstances and clarity require. The budget must be amended by ordinance whenever any department budget is to be increased by more than 10% or the overall budget is to be increased or decreased by more than 10%.

CHAPTER 18  
**AUDIT**

Sections:

- 010. Conformity to generally accepted accounting principles.
- 020. Compliance with audit requirements.
- 030. Appointment of auditor.

Section 3.18.010                      Conformity to generally accepted accounting principles.

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City record keeping and accounting practices shall conform to generally accepted accounting principles. To help assure this conformity city administrative staff shall inform the Council of training opportunities that may arise and office equipment and supplies required. The Council shall make reasonable efforts to provide training and proper equipment and supplies for city administration.

Section 3.18.020                      Compliance with audit requirements.

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The City shall comply with the requirements of the federal and state "Single Audit Acts".

Section 3.18.030                      Appointment of auditor.

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The Cold Bay City Council shall appoint an auditing firm to conduct an audit of the General Purpose Financial Statements of the City of Cold Bay, Alaska, as of and for the fiscal year ended June 30, of each fiscal year.

CHAPTER 19  
(Reserved)

CHAPTER 20  
(Reserved)

CHAPTER 21  
(Reserved)

CHAPTER 22  
(Reserved)

CHAPTER 23  
**REAL PROPERTY ACQUISITION, MANAGEMENT, AND DISPOSAL**

Sections:

- 010. Rights, powers and duty of city.
- 020. Acquisition of real property.
- 030. Economic development sites.
- 040. Temporary use of city lands.
- 050. Casual use of city lands.
- 060. Disposal of real property.
- 070. Methods of disposal.
- 080. Price for disposal.
- 090. Conveyances to Native tribes or councils.
- 100. Forms, fees and standard terms.
- 110. Definitions.

Section 4.23.010                      Rights, powers and duty of city.

- A. The city shall have and may exercise all rights and powers to acquire, own, hold, dispose of and manage real property, both inside and outside the city.
- B. The city holds all real property in Trust for the benefit of the public and shall hold, manage and dispose of such property in a manner consistent with that trust; it must insure that the public receives fair and reasonable compensation or benefit from city actions in the disposal of real property.

Section 4.23.020                      Acquisition of real property.

- A. Except as may be prohibited by law, the city may acquire, own and hold real property inside or outside the city boundaries by purchase, lease, exchange, transfer, dedication, gift, condemnation or declaration of taking under the city's power of eminent domain, tax or special assessment foreclosure, or any other legal method.
- B. Unless otherwise directed by the council, the mayor, without further council approval, may acquire real property by a negotiated purchase when:
  - 1. The real property has been identified by the council for acquisition, or is required for a project approved by the council;
  - 2. Funds have been appropriated for the acquisition; and
  - 3. The real property is acquired for a price not exceeding either fair market value or the amount budgeted for the real property.
- C. Under the direction of the council, the mayor may, after failure of negotiations for real property under the conditions set out in subsection B., initiate acquisition by condemnation or declaration of taking.
- D. The selection of real property to be acquired pursuant to an entitlement under AS 29.65, or under Section 14(c)(3) of the Alaska Native Claims

- Settlement Act P.L.(92-203), as amended, or under any other entitlement must be approved by the council by resolution as set out in subsection G. Any conveyance or agreement purporting to be in complete satisfaction of any entitlement is ineffective until approved by the council by ordinance.
- E. Except as provided in subsection B, any acquisition of property for a valuable consideration, including an exchange, shall be by ordinance.
  - F. All acquisitions by gift, donation, bequest, or dedication other than a dedication through a subdivision plat approved by the city platting authority, or any other method not involving the giving of valuable consideration and not covered by subsection D shall be in accordance with the terms and conditions approved by the council by resolution.
  - G. Before acquiring real property for a valuable consideration, the mayor shall obtain a title report on, and shall determine the fair market value of, the real property; provided, the mayor with the approval of the council may waive the requirement for a title report upon a determination that the risk involved or the interest to be acquired does not warrant a title report. The determination of fair market value may be by means of a fee appraisal or such reasonable estimates as the mayor with the approval of the council finds to be reliable or appropriate under the circumstances.
  - H. All real property shall be held in the name of the City of Cold Bay.

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Section 4.23.030 Economic development sites.

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The City may acquire, own and hold real property, either inside or outside the city boundaries, as sites available for new industries which will benefit the city.

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Section 4.23.040 Temporary use of city lands.

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- A. The Mayor with the approval of the council may issue special land use permits for the exclusive or non-exclusive, temporary, non-consumptive use of city lands. A special land use permit does not convey an interest in the land and may be revoked upon a 30 day notice, unless a shorter period is provided for in the permit; or may be revoked without prior notice for breach of a condition of the permit. Unless otherwise agreed to in writing, the land must be restored to its original condition upon expiration or revocation of the permit. Easements will not be granted under a special land use permit.
- B. Upon receipt of application for a temporary land use permit where, in the opinion of the mayor, a hazardous or obnoxious use might significantly affect the surrounding area, the mayor shall post notice of the application, including the date upon which the council will hear persons or receive comments on the proposed application. When significant adverse comment is received, a public hearing shall be held. The date of the hearing must be at least two weeks after the first day upon which the notice is posted. After the hearing, the council may, by motion, authorize the issuance of the permit and may impose such restrictions as it deems appropriate.

- C. A special land use permit and all extensions and renewals thereof may not exceed one year except upon council approval. Special land use permits are not transferable.
- D. Fees charged for a special land use permit shall be in accordance with a fee schedule established by the council.

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Section 4.23.050 Casual use of city lands.

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- A. Except as provided in subsection B and C, no city land is open to public use.
- B. Land which has been acquired or improved by the city for a public function may be opened to public use under such terms and conditions as the city may prescribe.
- C. Land which has been designated by the city as casual use land is open to the public for casual use without permit or lease; provided, the city makes no warranty as to the natural or artificial conditions of such land and persons who use such land do so at their own risk as to natural and artificial conditions of the land, and by such use waive their right to recover from the city for any injury or death occurring on the land not attributable to reckless or intentional misconduct of the city. No fee may be charged for casual use of city land.

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Section 4.23.060 Disposal of real property.

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- A. Except for real property acquired or developed for or dedicated or devoted to a governmental purpose, the city holds all real property in a proprietary capacity as a city resource. The disposal of all real property not covered by disposal methods under other sections of this chapter will be processed in accordance with this section.
- B. The disposal must be authorized by ordinance and must contain:
  - 1. A description of the property;
  - 2. A finding and the facts that support the finding that the property or interest is no longer required for a public purpose;
  - 3. The type of interest to be disposed of if less than a fee interest;
  - 4. Conditions and reservations that are to be imposed upon the property;
  - 5. The fair market value of the property;
  - 6. The minimum disposal price of the property;
  - 7. The method of disposal, including time, place and dates when relevant;
  - 8. Special conditions for the disposal, including, when relevant, special qualifications of purchasers and purchase terms; and
  - 9. A finding and the facts supporting the finding of the public benefits to be derived if the disposal is to be for less than market value.

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Section 4.23.070 Methods of disposal.

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Disposal of real property may be by sealed bids, outcry auction, lottery, negotiation, or such other method as the council may provide in the ordinance authorizing the disposal.

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**Section 4.23.080**            **Price for disposal.**

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- A. Unless otherwise provided in the resolution authorizing the disposal, the disposal shall be at not less than the fair market value as determined by a fee appraisal, by the city's assessor valuation, or by such reasonable estimates as the mayor or council, as appropriate, finds to be reasonable or appropriate under the circumstances.
- B. Except for a conveyance to another governmental unit, a disposal for less than fair market value may be made only upon a determination by the council that the public benefits to be realized from the disposal equal or exceed the reduction in value of the consideration to be received by the city. If a disposal at less than market value is to be made to a private entity or person and the reduced price is justified by an identified use, the conveyance document must contain a clause restricting the use of the property to the identified use. The council may limit the time during which the use restriction applies. When determined appropriate by the council, the conveyance document must also include a clause providing for the reversion to the city of the real property upon the failure of the real property to be used for the identified use.
- C. Uses and purposes that may justify a disposal at less than market value include, but are not limited to:
1. Use for a governmental or governmental type of service;
  2. Use for new business or industry;
  3. Use that promotes economic development;
  4. The purpose of increasing the availability of land if the council has determined that the land values in an area are inflated because of a scarcity of land in private ownership or that such disposals are necessary to stimulate or reduce the cost of new housing construction; and
  5. The purpose of settling boundary or other land disputes.
- D. A conveyance to the state, the federal government, another local government, or to a governmental agency may be made at less than the market value if the council, in its sole discretion, determines the conveyance should be authorized. Such conveyances may, but need not, contain restrictions on use, reverter clauses and be for some consideration.

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**Section 4.23.090**            **Conveyances to Native tribes or councils.**

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Real property may be conveyed to a Native tribe or council organized under Section 16 or 14 of the Indian Reorganization Act of 1934 as amended (25 U.S.C.A. 446, 444) only if the tribe or council gives to the city a waiver of immunity from suit for the purpose of enforcement of the provisions of the conveyance and associated instruments.

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**Section 4.23.100** Form, fees and standard terms.

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- A. The mayor may establish procedures and forms for the processing of requests, applications and disposals under this chapter.
- B. The council may approve standard terms to be included in leases, licenses, permits and other conveyance documents. Upon such approval all conveyances to which the standard terms are applicable shall include such terms unless modified or waived by the council or the mayor, with council approval, determines that one or more terms are inappropriate or must be modified or deleted to meet the intent or purpose of the conveyance authorization.

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**Section 4.23 .110** Definitions.

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The following words have the meaning ascribed in this chapter unless the context clearly indicates a different meaning.

- A. "Casual use" means the temporary, safe, non-exclusive use of city land in a manner that does not disturb the surface and includes but is not limited to such uses as hiking, hunting, fishing, short term camping, picnicking, operation of all terrain and similar vehicles and berry picking.
- B. "Conveyance" means the voluntary transfer of real property from one person or entity to another.
- C. "Fair market value" means the price a property would bring in a sale between a willing buyer and a willing seller, both being fully informed as to all relevant conditions of the property when the property has been exposed for sale for a reasonable period of time.
- D. "Hazardous or obnoxious use" means a use involving a danger or a risk of damage to property or injury to persons or a use the ordinary person would find offensive.
- E. "Mayor" means the mayor of the city of Cold Bay or a person designated by the mayor for the purpose of discharging any duty or right of the mayor under this chapter.
- F. "Posting," means the posting in three regular posting places within the city at which public notices are posted, a notice of the action proposed, along with the date, time, and place or address at which a hearing will be held or to which comments are to-be sent.
- G. "Real property" includes interests in real property as well as rights to real property, and includes, but is not limited to, leases, easements, security interests, licenses, permits and options.

CHAPTER 24  
**EMINENT DOMAIN; ADVERSE POSSESSION**

Sections:

- 010. Eminent domain.
- 020. Ordinance and vote required.
- 030. Adverse possession.

Section 4.24.010            Eminent domain.

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The city may, only within its boundaries, exercise the powers of eminent domain and declaration of taking in the performance of a power or function of the city in accordance with Title 09.

Section 4.24.020            Ordinance and vote required.

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The exercise of the power of eminent domain or declaration of taking shall be by ordinance which shall be submitted to the qualified voters at the next regularly scheduled general election or a special election called for that purpose. A majority of the votes on the question is required for approval of the ordinance.

Section 4.24.030            Adverse possession.

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The City may not be divested of title to real property by adverse possession.

CHAPTER 25  
(Reserved)

CHAPTER 26  
(Reserved)

CHAPTER 27  
**DISPOSITION OF CITY-OWNED PERSONAL PROPERTY**

Sections:

- 010. Personal property disposition by value.
- 020. Sale of surplus or obsolete goods.
- 030. Surplus stock.
- 040. Declaration of obsolescence.

Section 4.27.010                      Personal property disposition by value.

Personal property, other than surplus stock, that is valued at less than one thousand dollars may be disposed of upon such notice and terms considered reasonable by the Mayor with approval of the Council. The Mayor shall take into consideration the value of the article, the reasons for disposal, and the general preference for competitive bid. The Mayor shall report disposals to the Council.

Personal property valued at more than one-thousand dollars shall be disposed of by sealed bid or public outcry auction. An estimated value of the property shall be made. The items to be disposed of shall be reviewed by the Council. After review, the Council may, by resolution, direct the sale of the property under such terms and conditions as it requires. Notice shall be posted in at least three public places in the City for at least 30 days prior to the disposal. The notice must contain a description of the property, its location, minimum acceptable bid, limitations if any, time and place set for the disposal. The procedure for disposal shall be in a manner provided by resolution of the Council.

Section 4.27.020                      Sale of surplus or obsolete goods.

The Mayor may, when directed by the Council, sell the following without giving an opportunity for competitive bidding:

- A. Surplus or obsolete supplies, materials, or equipment whose total value does not exceed one-thousand dollars in a single transaction;
- B. Supplies, materials, or equipment when sold at a price at least as great as that paid by the City for the same.

Section 4.27.030                      Surplus stock.

All agencies shall submit to the Mayor, at such times and in such forms as he or she shall prescribe, reports, showing stock of all supplies which are no longer used or which have become obsolete, worn out, or scrapped.

The Mayor shall have the authority to transfer surplus stock to other agencies and provide for proper fiscal transfer of such.

The Mayor with approval of the Council shall have the authority to sell all supplies or equipment which have become unsuitable for public use, or to exchange the same for, or trade in the same on any new supplies or equipment.

Section 4.27.040 Declaration of obsolescence.

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No surplus or obsolete supplies, materials, or equipment of a value of more than one-thousand dollars may be sold until the Council has declared them obsolete or surplus.

CHAPTER 28  
(Reserved)

CHAPTER 29  
(Reserved)

CHAPTER 30  
**DEPARTMENT OF DISASTER SERVICES**

Sections:

- 010. Department established.
- 020. Purpose.
- 030. Disaster emergency response plan.
- 040. No governmental or private liability.

Section 5.30.010 Department established.

There is established a Department of Disaster Emergency Services. Executive and administrative duties are vested in the office of the Mayor, who may appoint such other personnel as shall be found necessary to properly and safely accomplish the purpose of the department of disaster emergency services.

Section 5.30.020 Purpose.

It is the desire of the City to protect and preserve the lives, health, safety, and well-being of the people living in or visiting the city. To this end, the department of emergency services shall be responsible for implementing the approved disaster emergency response plan, and shall be the liaison agency with the Alaska Division of Emergency Services.

Section 5.30.030 Disaster emergency response plan.

There shall be a disaster emergency response plan, developed jointly with the Alaska Division of Emergency Services, which shall be adopted by ordinance and may be amended by resolution with notification to the Alaska Division of Emergency Services.

Section 5.30.040 No governmental or private liability.

- A. No department of disaster emergency services or other authorized emergency response personnel while in proper performance of his/her required duties shall be held liable for any damage sustained to persons or property as a result of emergency response activity except and unless gross negligence or willful misconduct is proven.
- B. No person owning or controlling real property, who allows the use of that property for disaster response activities shall be held liable for death or injury resulting from that use, except and unless gross negligence or willful misconduct is proven.

CHAPTER 31

**FIRE DEPARTMENT (Reserved)**

Sections:

- 010. Fire department; fire chief,
- 020. Powers and duties of the fire department.
- 030. Fire chief.
- 040. Volunteer fire department.
- 050. Rules and regulations.
- 060. Training and records.
- 070. Conduct of members.
- 080. Equipment.
- 090. Definitions.

Sections 5.31.010 Fire department; fire chief.

There may be a fire department, the head of which shall be the fire chief appointed by the City Council. The number of firemen shall be determined by, and each fireman appointed by, the City Council except as they may delegate the power of appointment to the fire chief.

Section 5.31.020 Powers and duties of the fire department.

Duties of the fire department shall be among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to persons injured in or about burning structures, promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire in stores and other public buildings.

Section 5.31.030 Fire chief.

The fire chief is the commanding officer of the fire department and of volunteer firemen. The fire chief shall perform the following duties:

- A. Determine the organization of the fire department and provide for its staffing;
- B. Establish and enforce rules and regulations for the conduct of members of the department;
- C. Train and drill the members of the department, including periodic fire drills as deemed necessary;
- D. Maintain possession and custody of all fire equipment, buildings, and all other property of the department;
- E. Prepare and maintain records of all fires, inspections, fire-fighting equipment, personnel, and other information about the work and status of the department and make periodic written reports to the Council;
- F. Provide suitable arrangements and equipment for supporting fires or other emergencies and for notifying all members of the department to assure prompt response for such incidents;
- G. Assign equipment or manpower in response to calls for outside aid where mutual aid agreements are in force and other cases only when the absence of such equipment will not jeopardize protection in the City;
- H. Supervise fire prevention;
- I. Recommend to the Mayor and Council needed fire-fighting equipment;
- J. Prepare and submit, upon request a tentative budget for the department to the Mayor or Council;
- K. Assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires; and
- L. Perform such other duties as may be required by the Mayor and the Council.

Section 5.31.040 Volunteer fire department.

Volunteer firemen shall be appointed by the fire chief and confirmed by the city council, and said volunteer firemen shall be organized and disciplined as a fire department by the fire chief. Members of the volunteer fire department may organize into a voluntary association with the election of their own officers and by-laws.

The voluntary association shall in no manner limit the power of the fire chief. All property used by the fire department is and remains the property of the City and all expenses of the fire department upon proper voucher shall be paid by check by the regular municipal authorities.

From time to time in such amounts as the Council deems advisable, payments may be made to the volunteer department for the purpose of giving that association funds with which to reimburse members for clothing damaged while attending fires and for such other purposes that are in keeping with its functions.

Section 5.31.050 Rules and regulations.

The fire chief shall maintain and enforce up-to-date, comprehensive sets of rules and regulations governing the discipline, training and operation of the fire department. Such rules, regulations and any deletions, changes or additions shall be effective when approved by and filed with the Council. The fire chief shall have the authority to carry out the enforcement of these rules and regulations and is authorized to suspend or remove from service any officer or fire fighter as provided in the rules and regulations.

Section 5.31.060 Training and records.

Training - the fire chief or his representative who has completed fire training at a state fire training center shall provide, at least four times per year, instruction in such subjects as first aid, water supplies, and other subjects related to fire prevention.

Records - the fire chief shall see that complete records are kept of all apparatus, equipment, personnel, training, inspections, fires and other department activities.

Reports - current records and comparative data for previous years and recommendations for improving the effectiveness of the department shall be included in an annual report to the Council. Such reports as may be required concerning the department in general, giving suggestions and recommendations for major improvements, and listing other data so as to maintain a complete record of the activities of the department shall also be prepared and submitted by the fire chief.

Section 5.31.070 Conduct of members.

It shall be the duty of every member of the fire department to conduct himself or herself in a professional manner and to refrain from conduct which brings discredit to any member or to the department.

Section 5.31.080 Equipment.

- A. The fire chief shall be responsible to the Council for recommending such apparatus or other firefighting equipment as may be required to maintain fire department efficiency, and for providing suitable arrangements and equipment for reporting fires or emergencies, and for notifying all members of the department to assure prompt response to such incidents.
- B. No unauthorized person shall use any fire apparatus or equipment for any purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department.
- C. No person shall enter any place where fire apparatus is housed or handle apparatus or equipment belonging to the department unless accompanied by, or having special permission of an officer or authorized member of the department.

Section 5.31.090 Definitions.

For purposes of this Code "employees" do not include members of the volunteer fire department, unless otherwise noted. Members of the volunteer fire department are not subject to the rules and regulations of any personnel system which is adopted by the Council, unless the personnel rules and regulations affirmatively provide that the members of the volunteer fire department are included.

CHAPTER 32  
**DEPARTMENT OF PUBLIC WORKS**

Sections:

- 010. Department established.
- 020. Purpose.
- 030. Position of maintenance person created.

Section 5.32.010 Department established.

There is established a Department of Public Works. Executive and administrative duties are vested in the office of the Mayor.

Section 5.32.020 Purpose.

The importance of a department of public works is well known to the people of the City of Cold Bay. It is the desire of the City to protect and preserve the lives, health, safety, and well-being of the people living in or visiting the city. The department of public works shall be responsible for maintenance of the landfill and city roads; maintenance of the city water and sewer system; maintenance of city owned buildings and facilities; maintenance of city heavy equipment; and general maintenance of the dock.

Section 5.32.030 Position of Maintenance Person created.

There is created the position of maintenance person for the city, who, under the direction of the Mayor shall accomplish those tasks listed in the job description for that position. The maintenance person shall maintain the title of Public Works Director. The maintenance person shall enforce all the provisions of this title and any rules and regulations duly adopted hereunder. The Public Works Director is appointed by the Mayor, subject to approval by the city council.

CHAPTER 33  
**COLD BAY DOCK**

Sections:

- 010. Department established.
- 020. Purpose.
- 030. Powers.
- 040. Position of Harbormaster created.
- 050. Registration required.
- 060. Loading areas.
- 070. Sanitation and safeguarding.
- 080. Reckless operations.
- 090. Negligent operations.
- 100. Unlawful acts.
- 110. Reporting violations.
- 120. Fees.
- 130. Payments.
- 140. Billing.
- 150. Delinquencies.
- 160. Nuisances.
- 170. Abatement of nuisances.
- 180. Impoundment.
- 190. Impoundment procedure and disposition.
- 200. Penalties.

Section 5.33.010 Department established.

There is established a Dock Department. Executive and administrative duties are vested in the office of the Mayor, who shall hire, subject to approval by the Cold Bay City Council, a harbormaster and such other administrative and maintenance personnel as shall be found necessary to properly and safely administer the operations of the Cold Bay dock.

Section 5.33.020 Purpose.

The importance of the Cold Bay Dock is well known to the people of the City of Cold Bay. It is the desire of the City to protect and preserve the lives, health, safety and well-being of the, people of the city who have property on, or use or work upon the boats using the cities dock facilities, or who use these facilities in the course of visits for commercial or pleasure purposes; to protect the property of boat owners by regulating the dock and its facilities of nuisances, fire, and health hazards; to make reasonable charges for the use of certain facilities to enable the city, insofar as possible to pay the cost of maintenance, operation, and supervision of the dock from the revenue derived there from; to promote the general welfare; and to operate the dock facilities on a nonprofit basis.

Section 5.33.030 Powers.

The City of Cold Bay shall assume all dock powers not specifically prohibited by State and Borough statutes.

Section 5.33.040 Position of Harbormaster created.

There is created the position of Harbormaster for the city, who, under the direction of the mayor shall supervise and manage all Cold Bay dock facilities. The Harbormaster shall be appointed, paid, removed, and succeeded in office as are other appointive positions of the city. The Harbormaster shall enforce all of the provisions of this title and any rules and regulations duly adopted hereunder. In connection with official duties, the Harbormaster shall have the authority to board any vessel using the dock facilities.

Section 5.33.050 Registration required.

Every vessel using the dock facilities is required to register the captain's name, telephone number, mailing and residence address, the name and number of the vessel, its length, breadth, and registered tonnage with the Harbormaster on forms to be provided by him for that purpose.

Section 5.33.060 Loading areas.

No vessel shall remain moored in designated loading areas longer than necessary for discharging or taking on cargo or equipment with out the direct consent of the Harbormaster. Dockage charges are computed on a daily basis or any fraction of a day, a six hour grace period is allowed before dockage charges begin to accrue.

Section 5.33.070 Sanitation and safeguarding.

Every boat owner using the dock and facilities is requested to use due diligence in performing the following requirements:

- A. Use all reasonable precautions in keeping the vessels in his charge in a clean and sanitary condition with special attention to pure water and sanitary toilets;
- B. Use all reasonable precautions in keeping the vessel in his charge free
- C. from fire hazards of any type or nature;
- D. Use all reasonable effort and precautions in keeping the vessel in his charge well-secured, securely moored with lines in reasonably fit condition, sufficiently pumped out at all times to keep the vessel afloat, and to otherwise attend the needs of the vessel;
- E. Use adequate precautions to lock up and stow and otherwise safeguard all movable gear and tackle;
- F. Supply and use adequate fenders to safeguard floats and vessels from chafing and other damages.

Section 5.33.080 Reckless operations.

It is unlawful for any vessel operator to operate or cause to be operated a vessel in a reckless manner. This means to operate a vessel in willful or wanton disregard of the rights or safety of others, or without due caution and circumspection, or at a speed or in a manner as to endanger or to be likely to endanger a person or property, or that which creates a substantial and unjustifiable risk of harm to person or property.

Section 5.33.090 Negligent operations.

- A. It is unlawful for any vessel operator to operate or cause to operate a vessel in a negligent manner. This means the operation of a boat in such a manner as to create an unjustifiable risk of harm to a person or to property and who, as a result of the creation of the risk, actually endangers a person or property. Proof that a defendant actually endangered a person or property is established by showing that, as a result of the defendant's operation:
  - 1. An accident occurred;
  - 2. A person, including the defendant, took evasive action to avoid an accident;
  - 3. A person, including the defendant, stopped or slowed down suddenly to avoid an accident; or
  - 4. A person or property, including the defendant or his property, was otherwise endangered.
- B. The offense of negligent operations is a lesser offense than, and included in, the offense of reckless operations, and a person charged with reckless operations may be convicted of the lesser charge of negligent operations.

Section 5.33.100 Unlawful acts.

It shall be unlawful for any person using the dock facilities to:

- A. Operate or be in actual physical control of any vessel or other equipment when under the influence of intoxicating liquor or drugs;
- B. Operate or cause to be operated any vessel within the dock area that causes a wake or wave action which will damage or endanger or be likely to endanger any other vessel or any of the dock facilities;
- C. Throw or otherwise cause to be deposited gasoline, oil, litter, trash, garbage, or other refuse on any part of the dock or into the waters adjacent to the dock;
- D. Allow or permit dogs or other animals to run at large on the dock or to become a nuisance thereon;
- E. Create or maintain any nuisance on the dock, or to conduct or carry on any unlawful business occupation thereon;
- F. Erect, place, post or maintain any advertising matter, sign, or other printed matter, other than legal notices, on any part of the dock without prior approval of the dock director. All unauthorized advertising and signs shall be removed by the Harbormaster.
- G. Write or post any written or printed matter or sign upon any bulletin board constructed or maintained by the city on the dock without prior approval of the Harbormaster;
- H. Deposit, place, or leave any cargo, merchandise, supplies, freight, articles, or thing upon any float, ramp, decline, walk, or other public place on the dock, excepting at such place or places as may be designated as loading areas by the Harbormaster;
- I. Fail to register with the Harbormaster any vessel using any of the dock facilities;
- J. Tap, connect, disconnect, interfere with, or tamper with any electrical wiring, electrical outlet, or electrical device without prior approval of the Harbormaster, or to interfere with or tamper with any associated dock system;
- K. Tie up to or otherwise use the dock except as provided for in this chapter;
- L. Disregard, deface, remove, tamper with or damage any sign or notice posted or erected by the Harbormaster or by direction of the mayor relating to the use of the dock facilities;
- M. Or refuse to comply with any lawful order of the Harbormaster.

Section 5.33.110 Reporting violations.

Complaints of any violations of the prohibited acts shall be made to the Harbormaster.

Section 5.33.120 Fees.

Use of the dock facilities are subject to fees established by the city council, reviewed annually or more frequently as the city council may direct and approve by resolution.

Section 5.33.130 Payments.

All charges shall be paid as invoiced by the City of Cold Bay. Any vessel owner who fails to pay the required fees when such fees are due and payable, and for a period of 30 days thereafter, shall be subject to an action by the City for the recovery of such fees and costs of recovery.

Section 5.33.140 Billing.

A. Responsibility for payment. All persons receiving dock service from the City or having such service available shall be obligated to pay for such service as set out in the appropriate rate schedule. Failure to receive a bill shall not relieve the customer of responsibility for payment.

B. Billings shall be made monthly. Each bill shall contain the final date on which payment is due. If the bill is not paid when due, the account shall be considered delinquent unless other arrangements have been made in writing with the Harbormaster before the due date. If any bill is not paid when due, the entire amount of the unpaid balance shall bear interest at 10 1/2% per annum from the due date until paid in full. All payment received shall be applied first to the payment of interest, if any, and then to the payment of the principal. Interest shall accrue on all unpaid principal accounts.

C. Disputed billings. When a customer disputes the correctness of a bill, he shall deposit the amount of the disputed bill at the time the complaint is lodged pending final settlement of the bill. Failure to make such deposit shall make that account delinquent.

D. Non-payment of bills. A customer's dock service may be discontinued if charges are not paid as required by this chapter and any rules and regulations issued hereunder.

Section 5.33.150 Delinquencies.

The Harbormaster shall submit a report to the city council at the end of each calendar quarter and such report shall include the description of the vessel, the name and address of the owner, and the type and value of the delinquent fees. The council may refer delinquencies to the city attorney for appropriate action. The Harbormaster may impound any vessel for the failure of the owner to pay any fees or charges as set in this article when said fees remain unpaid for a period of 30 days. The City shall have a lien for any unpaid fees or charges under 46 U.S.C. §971. Should any such fees be unpaid or unsecured for 30 days after due, the City may file a complaint IN REM in the federal district court in the district in which the vessel may be found. If it appears that such vessel will leave the federal district in which the City is located, the complaint IN REM may be filed prior to the expiration of the 30 day period. All liens created shall not be exclusive remedies. A proceeding to foreclose any lien or suit thereon by the City shall not preclude any other remedy, including impoundment as above, at law or in equity.

**Section 5.33.160 Nuisances.**

In the interest of the greatest use of the dock facilities by the general public, derelict, unfit or unseaworthy vessels, or vessels maintained in such manner as to make them liable to sinking for lack of being pumped or other maintenance, or which are maintained in a manner so as to constitute a fire hazard to the dock facilities or to other vessels, and sunken boats and boats in imminence of sinking, are declared to be nuisances and subject to abatement and removal from the dock facilities by the City or its agents without liability on the city for any damage done by virtue of the removal.

**Section 5.33.170 Abatement of nuisances.**

Any vessel which is a nuisance may be impounded, removed, sold, or otherwise disposed of as provided herein:

- A. Immediately upon impounding or removing any vessel, the City shall cause to be posted in the Harbormaster's office, the city clerk's office, and in the post office, notice of such action taken by the City. A copy of the notice shall be mailed to the vessel owner at his last known address by registered or certified mail and, if the vessel is documented, to the collector of customs of the port of documentation, if such can reasonably be ascertained.
- B. The owner of any vessel impounded or removed by the City shall be subject to, and liable for, all costs incurred by the City by reason of such impounding or removal.
- C. Any vessel impounded or removed shall be held by the City for a period of not less than 30 days, during which time the City shall publish a notice describing the vessel in general terms, the name and/ or number in any, the name and address of the owner if known, or if not known, the location of the vessel, and the intention of the City to sell the same at public auction on a day and at a time certain, not less than 10 days prior to such sale, for cash to the highest bidder. The proceeds of such sale shall be first applied to the costs of sale, then to moorage and service fees accrued, and to a storage fee in the amount of \$5.00 per day in addition to the dry land storage fee and the haul-out fee, and the balance, if any, shall be held in trust by the City for the owner of the vessel to claim; and if such balance is not claimed within two years, said balance shall be deposited into the Cold Bay general fund.
- D. After the sale has been made, the City shall make and deliver a bill of sale, without warranty, conveying the vessel to the buyer.
- E. If at any public auction there are no bidders for the vessel, the City may destroy, sell at private sale, or otherwise dispose of the vessel. The disposition is to be made without liability to the owner, master, or lien holder of the vessel.

Section 5.33.180 Impoundment.

In addition to impoundment to abate nuisance, the Harbormaster may impound any vessel:

- A. For failure to comply with the registration provisions of this chapter;
- B. If left unattended upon any waterway in or about the dock facility in such a manner as to constitute an obstruction to traffic;
- C. If so disabled as to constitute an obstruction to traffic and the vessel owner or captain is by reason of physical injury or other suitable object or by removing it from the water and placing it in the City or commercial land storage.
- D. If moored in a loading area for a period longer than the period posted.

Section 5.33.190 Impoundment procedure and disposition.

Any vessel impounded by the Harbormaster shall be secured by chaining or otherwise mooring it to a float or other suitable object or by removing it from the water and placing it in the City or commercial land storage.

Section 5.33.200 Penalties.

In addition to the provisions for impoundment, any person who violates any of the provisions of this chapter is guilty of a misdemeanor and if convicted shall be fined not more than \$500 together with the costs of prosecution, or imprisonment for not more than 30 days and, in addition thereto, his privilege of using the dock facilities may be suspended for not more than one year.



**CHAPTER 34**  
**MEDICAL CLINIC**

**Sections:**

- 010. Medical clinic established.
- 020. Department composition.
- 030. Powers and duties.
- 040. Finances.
- 050. Medical providers.

Section 5.34.010 Medical clinic established.

There shall be a medical clinic known as the Anna Livingston Memorial Clinic staffed by qualified professionals who will provide emergency and general health care to residents of the city and emergency health care for nonresidents.

Section 5.34.020 Department composition.

The city council administers the clinic, which shall consist of the clinic assistant, the clinic janitor, and medical providers, including EMT appointed by the Mayor, subject to approval by the city council. All medical personnel are subject to standards provided in Section 34.050. Policies and procedures of the clinic shall be prepared for city council review, adopted by resolution and approved annually or more frequently as the city council may direct.

Section 5.34.030 Powers and duties.

A. Management of medical services. The senior allied health care professional in residence shall direct the affairs of the medical clinic under supervision as provided in Section 32.040. The city council administers the clinic.

B. Medical services. Medical services provided by the medical clinic shall conform to adopted medical clinic policies and procedures, which shall be annually revised and approved by the city council.

C. Recordkeeping. In addition to medical services the clinic shall maintain a system of medical records. Such records shall be accurate, complete and confidential and shall be prepared and maintained on all patients and shall include the following:

1. Adequate identification data to include full and true name and address of patient prior to admittance to care in the clinic and prior to or following care, plus the name and address of spouse or nearest living relative;
2. Special reports and examinations including clinical and laboratory findings, x-ray findings, records of consultation, gross and microscopic pathological findings, where applicable;
3. Medical provider or nurse's notes.

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Section 5.34.040 Finances.

Finances of the medical clinic shall be in accordance with city, state and federal laws as may apply and as the city council may adopt.

A. Schedule of charges. Fee schedules shall be prepared for city council review, adopted by resolution and approved annually or more frequently as the city council may direct. The city council may, through taxation or other lawful methods of obtaining funds, provide additional or supplemental funding for community health service operations.

B. Fee for services. Charges for services shall be collected from those receiving medical treatment or from third parties or both, as applicable, late fees may be assessed against delinquent billings to the extent permitted by state and federal laws, and delinquent accounts may be

referred to collection agencies, in accordance with billing policies and procedures approved by the city council.

Section 5.34.050 Medical providers.

Medical providers shall be competent in their profession, worthy in character and professional ethics, and practice one or more types of medical care authorized by the State of Alaska. Providers shall at all times practice within their license, certificate or other authorization, and comply with all federal and state laws. Providers shall be appointed and serve at the pleasure of the city. Non-physician providers shall be authorized and supervised by a physician as required by law. Non-medical activities of health care professionals shall be supervised by the city councilor its designee.

CHAPTER 35  
(Reserved)

CHAPTER 36  
**WATER & SEWER SYSTEM**

Sections:

- 010. Definitions.
- 020. Appointment of Director.
- 030. Prohibited acts.
- 040. Service availability and water quality.
- 050. Connection to city water and sewer system.
- 060. Standards for installation of service lines and fixtures.
- 070. Maintenance of plumbing system.
- 080. Authorized inspection.
- 090. Administration and enforcement.
- 100. Utility rates; disconnect; reconnect; penalties.
- 110. Billing.
- 120. Delinquent accounts.
- 130. Utility operator.

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**Section 6.36.010 Definitions.**

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Unless the context requires otherwise, the following definitions apply to this chapter:

Applicants:	An individual, firm, corporation, or agent of any of these applying for water and sewer service.
Applications:	The form prescribed by the City of Cold Bay whereby a customer requests city water or sewer services or both, as described in Section 6.36.030.
Campground:	A facility providing overnight camping spaces on a temporary basis.
City:	The City of Cold Bay, Alaska, its agents and employees, and, where the context so requires, the city council.
Commercial Use:	Any use of premises other than as residential or multi-facility dwelling premises.
Coin-Operated Water Using Devices:	A washing machine, shower, car, or similar item or service, characterized by use of water and sewer service and payment by time or service.
Contract:	The contract for water and sewer service between a customer and the City, which shall incorporate by reference Chapter 36 of the Code of Ordinances of the City and rules and regulations issued thereunder.
Customer:	An individual, firm or corporation whose application for service has been approved and who has entered into a contract.
Customer Service Line:	Water and sewer service lines between water and sewer mains and customer owned facilities.
Day Care Center:	Any facility offering to keep and supervise more than five children not members of the owner of the facility, including a foster home.
Director:	The director of the City water and sewer service system, his authorized agents and employees, as appointed under Section 6.36.020.
Hotel or Motel:	Transient housing customarily occupied on a day-by-day basis for periods of 30 days or less.
Laundromat:	Any facility offering coin-operated, water using devices to the public at large; the term does not include coin-operated, water using devices available in a multi-facility dwelling only to persons residing in the building.
Mobile Home Park:	Land or premises used for occupancy by trailers, mobile homes, and modular structures designed to be built at one location and transported to another site for occupancy.

Multi-facility Dwellings:	A building or connected buildings occupied by two or more families, including apartment houses, apartment hotels, flats, and dwellings occupied or used by more than one head of household; any use of premises as a dwelling space that is residential.
Permit:	Written authorization from the Mayor or his representative, upon a form and under such conditions as he may prescribe, allowing a customer to connect the premises to the City water and sewer system, or modify or disconnect a connection between premises and the system. Premises: A lot or parcel of land with improvements on it.
Residential Living Unit:	Head of household, unit with common facility areas.
Residential Use:	Use by a facility having only one kitchen and occupied by one family and one head of household exclusively.
Restaurant:	Any facility regularly furnishing food or beverages for consumption on the premises or furnishing seating for customers and potential customers on the premises.
Sewage Pump Company:	Any person who moves or transports sewage, waste water, or other liquids and solids regulated by this chapter and utilizes the sewage service dump.
Sewer Main or Main:	A pipe installed in a street, road, alley, or easement running approximately parallel to the street, road, alley or easement, for the collection of sewage.
School:	A place whose principal use is the education or training of people, whether owned or operated publicly or privately.
Space:	A site at a campground or automobile camp designated for use as a camping site.
Unit:	Each portion of a hotel, motel, multi-facility dwelling, or other structure intended for temporary or permanent occupancy by an individual or individuals.
Water Main or Main:	A pipe installed in a street, road, alley, or easement running approximately parallel to the street, road, alley or easement, for the distribution of water.

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**Section 6.36.020 Appointment of Director.**

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The Director of the City of Cold Bay water and sewer system shall be appointed by the Mayor, subject to approval of the City Council. The Director's pay shall be established by resolution of the City Council,

The Director shall administer and supervise the water and sewer system and shall have authority to issue rules and regulations governing installation, use and maintenance of the system. Such rules and regulations may not:

Modify the rate structure for water and sewer services set by the City council;

Modify the service connection charges set by the City council; or

Contradict Cold Bay's code of ordinances.

The Director shall issue rules and regulations by posting proposed rules and regulations in three public places in the City and giving copies to the City Clerk and the Mayor. No later than 60 days after issuance of any rules and/ or regulations, they shall be voted upon by the City Council, and if approved shall become effective until rescinded by the City council.

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**Section 6.36.030 Prohibited acts.**

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It shall be unlawful for any person to operate or maintain an individual sewage disposal system, unless such is constructed and maintained in such fashion that it does not contaminate any source of drinking, public, or domestic water supply. Such systems shall comply with the applicable standards of the Alaska Department of Environmental Conservation and any other applicable laws, regulations or ordinances of the United States, the State of Alaska, or the City of Cold Bay.

It shall be unlawful for any person to:

Construct, alter, or extend an individual water system or sewage disposal system except by permission of the Director.

Dump human waste or honey buckets on the surface of the ground or into streams, ponds or lakes. Those residences or camps not connected to sewer or septic systems shall have approved pit privy systems.

Connect with, modify, or alter an existing connection with, or sever an existing connection with the City water and sewer system without first obtaining a permit from the Director;

Reconnect, turn on, or restore service where water or sewer service has been disconnected or discontinued by the City. City may interrupt restored service at the main and charge the customer actual cost plus 10%. Such charges may be assessed against the customer as an additional fee;

Connect to, close, or interfere with the water and sewer lines of another person or those of the City without first obtaining a permit from the Director;

Tamper with a meter or meter equipment for measuring water or sewer service or use, alter or attempt to alter the equipment surrounding the meter in such a way as to defeat the meter;

Injure, mutilate, destroy, change, remove, disconnect or otherwise interfere with any equipment, materials, buildings, pipes, fences, installations, stations or equipment belonging to the water and sewer service system;

Tamper with, use, damage, or interfere with any fire hydrant except in the event of a bona fide emergency or upon the written consent of the Director; or Resell water anchor sewer services without a special contract between the City and the customer desiring to resell such services.

Neither the applicant nor any occupant of the premises receiving sewer service shall discharge or allow to be discharged into the sewer system any storm water, surface water, roof runoff, or industrial process water, nor shall they discharge into the sewer system any wastes containing any of the following substances: Petroleum, coal tar, vegetable and mineral oils and products, their derivatives and wastes;

Greases, oils, and sludge from service stations, garages, repair shops, cleaning establishments, or other industrial products;

Explosive or flammable liquids or gases;

Acids, alkaline, or other corrosive liquids, gases, or substances of sufficient strength to damage components of the sewer system;

Paints or paint products;

Substances which will form deposits or obstructions in sewers, or substances which will, when mixed with sewage, precipitate materials that block or obstruct sewers;

Ashes, cinders, sand, earth, coal, rubbish or metals of any kind;

Live steam, exhaust steam, or water having a temperature above 160° F; or

Stable and barn manure, offal from slaughterhouse, dead animals, or dead animal parts.

The City will refuse or disconnect service to any premises when it is deemed necessary to protect the water and sewer system from fraud or abuse.

Discontinuance for either cause May be made by the City immediately upon its receipt of knowledge of the circumstances.

Section 6.36.040 Service availability and water quality.

Those property owners whose property is adjacent to existing water and sewer lines, or extensions thereto, shall apply for and use city water and sewer service in accordance with the provisions of this chapter. Such applications shall be approved, provided that the City determines that such service will not jeopardize service to existing customers and not in any way impair the function of the water or sewer system. The granting and continuance of all water and sewer service shall be the sole responsibility of the City. Service to customers who are over 90 days delinquent in payment of their utility bills, or applicants who fail to comply with these ordinances and any regulations adopted by the City shall be discontinued or refused.

The City will provide the highest quality of water commercially and economically feasible. The City will not be liable for direct or indirect damages incurred by any customer or other person when water quality, for any reason, is substandard, except where the damages are the immediate result of an intentional or negligent act by the City.

In case of shortage of supply or limitations on equipment capacity, the City reserves the right to give preferences in the matter of furnishing water and sewer service to customers on the basis of public convenience or necessity.

Section 6.36.050 Connection to city water and sewer system.

Making of connections:

All connections to the city- water and sewer systems shall be made at the expense of the user. Costs of the connection and all appropriate regulations governing connection, including the use of self-help, shall be declared by resolution of the Council.

All individual water service and sewer connections and repairs, modifications, or disconnections shall be made only under the terms and conditions as set forth by the regulations of the State of Alaska as adopted by the City and such further regulations as the City may make.

No applications for water or sewer service will be accepted between November 1 and May 1 except as dictated by special conditions as the Director may impose. City will refuse or discontinue service to any premises when it is deemed necessary to protect the system from fraud or abuse. Discontinuance for either case may be made immediately upon receipt of knowledge of the circumstances. All contracts take effect the day they are signed. Rates will be charged and bills rendered for water and sewer service from the date the premises are connected with the water and sewer systems.

Failure or interruptions of service for any reasonable period of time shall not constitute a breach of contract or warranty on the part of the City or in any way relieve the customer from performing his obligations under the contract, ordinances or regulations.

Application for water and sewer service and/ or connection: It shall be unlawful for any person to construct, alter, extend, or use an individual water system or sewage disposal system except by permission of the Director. Each application

for water and/ or sewer service connection shall be in writing, signed by all persons having ownership of record in the property and shall include the following:

Legal name and address of applicant;

The kind of service desired;

Description of the property and building and the uses of the service for which the water service and/ or sewer service is requested;

A service connection fee of \$200.00, which shall be refunded if the application is not approved; and

Such additional information as the City may be required to demonstrate that the proposed connection complies with this ordinance.

No permit shall be approved for any pit privy that is not a minimum of 100' from any well, spring, or stream.

Approval of Application: Appeal.

The Director may require an inspection of the piping, fixtures and appliances prior to approving any application for water and/ or sewer service, and cause any such found to be unsatisfactory to be repaired, replaced, or disconnected prior to water and sewer hookup.

If the Director is satisfied that the application and the proposed connection complies with this ordinance and applicable regulations relating to the water and sewer systems, the application shall be approved and a permit shall be issued.

Any person whose application for connection has been denied or conditionally approved may appeal to the City Council at its next regularly scheduled meeting.

Installation of service lines: All consumer lines to the point of connection to the city water and sewer lines shall be installed by the user, at his own expense, and remain his responsibility for maintenance and repair. A person obtaining a water and/ or sewer permit shall have five days from starting work to complete the connection and notify the Director that the connection is complete. If an applicant requires more than five days and a street, alley, or right-of-way is obstructed or partially obstructed, the applicant may be assessed a penalty of \$20 for each additional three day period that the obstruction continues.

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**Section 6.36.060** Standards for installation of service lines and fixtures.

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- A. The Director shall make regulations establishing standards for the installation of domestic fixtures to be served by the city water and sewer systems. At a minimum, such regulations shall establish size and kind of hookup, quality of workmanship and materials required, shut off valves, clean-outs, and water meters required to meet current uniform plumbing codes. Materials used must be compatible with Cold Bay devices. Any line larger than 2" should be ductile cast iron pipe water line installed to Municipality of Anchorage installation specs except for depth to meet current Cold Bay depth. A back flow prevention device must be installed that meets or exceeds current uniform plumbing codes, except as dictated by special considerations of the local environment. All uses must conform to the regulations of the State of Alaska and to any such regulations as may be adopted by the City.
- B. Before burial of a connection, the Director shall inspect the connection and certify in writing on the permit that the installation meets established criteria. No water or sewer service usage shall be allowed until completion of such inspection.
- C. A cross-connection is defined as a physical connection between the City water system and any other source. Cross-connections are strictly prohibited and service will be discontinued to any person or premises where a cross-connection exists. Service shall not be restored until the cross-connection is eliminated. The Director may cause the cross connection to be severed and the costs assessed against the owner of the property as an additional fee.

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**Section 6.36.070** Maintenance of plumbing system.

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- A. Each consumer of community water or sewer service shall maintain his individual water and waste facilities in good repair at his own expense. The consumer's responsibility for water and sewer facilities shall begin at the point of connection to the city's water and sewer facilities and shall include all facilities from that point through the building. In the case of individual water and sewer systems, the consumer shall have complete responsibility for his own system. In the case of frozen water or sewer service, the customer is responsible for thawing the service line from the main to the improvements, unless the freezing condition can be shown to have been a result of malfunction of the City's water and sewer systems.
- B. Water and sewer services to a consumer may be discontinued by the City when defective fixtures or misuse of sewer facilities may affect the safe and proper operation of the city water or sewer system; when there is a willful waste of water; when there is a refusal to permit an inspection by the City; and/ or when the service charges for the systems are not being paid.

- C. Water and sewer service may be shut off at any time for emergency repairs, extensions, maintenance or other necessary purposes. The City shall give reasonable notice whenever possible. In the event of a shutoff under this section, the City shall not be liable for any loss or damages, direct or indirect, caused by the shutoff.

Section 6.36.080 Authorized inspection.

The City through its designated representative or representatives is hereby authorized to make inspections at reasonable times during daylight hours to determine satisfactory compliance with this ordinance and regulations promulgated hereunder. Customers by application for connection to the city water and sewer system or for permits to construct individual water and sewer systems are deemed to have knowledge of and to have authorized such reasonable inspection.

Section 6.36.090 Administration and enforcement.

- A. This ordinance shall be administered and enforced by the City Council.
- B. All monies collected for water, sewer and solid waste will be deposited in the city bank account by the City Clerk and disbursed by action of the City Clerk in accordance with this ordinance and related regulations. A separate accounting shall be kept of these monies.
- C. The City Council shall adopt such additional regulations, provisions, and procedures pertaining to water, sewer and waste collection and disposal services as it deems proper.

Section 6.36.100 Utility rates: disconnect, reconnect.

- A. Water.
1. Residential use of the water service system shall be unmetered and, except where the Director identifies excessive water use, shall be charged to customers at a flat monthly rate of \$93.00. This is the base price for 5,000 gallons of usage per month. If the Director identifies excessive water use, use of the water service system shall be metered and charged at a rate of \$18.00 per 1,000 gallons or .018 per gallon over the base monthly usage.
  2. Commercial use of the water service system shall be metered, except where the Director determines a meter to be necessary, and shall be charged at a rate of \$114.00 per month. This is the base rate of 7,000 gallons of usage per month. If the Director identifies excessive water use, use of the water service system shall be metered and charged at a rate of \$18.00 per 1,000 gallons over the base monthly usage. Commercial accounts that have water service line of 1-1/2 inches in diameter or larger may have a special modified rate subject to the discretion of the Council.

- 3. Multi-facility dwelling. Owners of multi-facility dwelling units shall be charged a monthly rate of \$93.00 per unit for use of the water service system. This is the based price for 5,000 gallons per unit per month. If the Director identifies excessive water use, use of the water service system shall be metered and charged at a rate of \$18.00 per 1,000 gallons over the base monthly usage.
- 4. Water at the dock or any hydrant usage will be metered and charged \$18.00 per 1,000 gallons
- B. Sewer:
  - 1. Residential users of the sewer service system shall be charged at a flat monthly rate of \$93.00
  - 2. Commercial users of the sewer service system with metered water service shall be charged at a rate of \$15.00 per 1,000 gallons, subject to a minimum of \$114.00 per month. Commercial users of the sewer service system with unmetered water service shall be charged at a flat monthly rate of \$114.00. Where a commercial user has a water source other than city water service, and water from the source is discharged into the city sewer system, the Director may adjust sewer service rates according to the estimated additional usage.
  - 3. Multi-facility dwelling. Owners of multi-facility dwelling units shall be charged a monthly rate of \$93.00 per unit for use of the sewer service system.
- C. Stand-by rates. A stand-by rate of \$30.00 for the applicable water and sewer service rate may be established for any account that will have suspended use of service for 30 days or more. To establish the stand-by rate, the customer must make a request one week in advance to the utility on forms provided by the utility and it will be shut off at the curb upon approval of the Public Works Director. This charge will be per dwelling. More than one turn on or turn off will be at the cost of \$25.00 each time.
- D. Special commercial water and sewer rates. Special commercial uses of the water and sewer service systems shall be charged at the monthly rates set out below:

1.		
	Sewage service dump	\$25.00 per discharge (50 gal) \$500.00 per annum

- E. Disconnect and reconnect. Charges shall be assessed against any customer whose water and sewer service is disconnected, reconnected, or requires customer-caused maintenance. Where maintenance is required not because of utility negligence, charges shall be assessed at actual cost to the utility plus 10% for overhead and billing expense. When the property owner is vacating the property of the improvement to which service is provided, the disconnect fee shall be a flat rate of \$250.00. All reconnect fees shall be \$250.00.
- F. Rates are established by the city council, reviewed annually or more frequently as the city council may direct and approve by resolution.

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Section 6.36.110. Billing.

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- A. Responsibility for payment. All persons receiving water or sewer service from the City of having such service available shall be obligated to pay for such service as set out in the appropriate rate schedule. In case of a landlord-tenant relationship, the landlord shall be liable for all billings. Failure to receive a utility bill shall not relieve the customer of responsibility for payment.
- B. Billings shall be made monthly. Each bill shall contain the final date on which payment is due. If the bill is not paid when due, the account shall be considered delinquent unless other arrangements have been made in writing with the Director before the due date. If bills is not paid by the 20<sup>th</sup> of each month customer will be charged a late fee of \$35.00 which will be on the next billing statement. All payments made will be applied first to the late fee then to the principal.
- C. Disputed billings. When a customer disputes the correctness of a bill, he shall deposit the amount of the disputed bill at the time the complaint is lodged pending final settlement of the bill. Failure to make such deposit shall make that account delinquent.
- D. Non-payment of bills. A customer's water and sewer service may be discontinued if charges are not paid as required by this chapter and any rules and regulations issued hereunder.

**Section 6.36.120. Delinquent accounts.**

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The Director shall, before discontinuing service to a customer whose account is delinquent, do the following:

- A. 10 days after the account becomes delinquent, mail or deliver a notice to the customer that the account is delinquent;
- B. 25 days after the account becomes delinquent, mail or deliver a Notice of Intent to Disconnect Service. The Notice shall state the date service will be terminated if the account is not brought current before the date. The disconnect date shall not be less than five days from the date the Notice is mailed or delivered.
- C. The day before the disconnect date, an agent of the City shall deliver a written notice to the customer stating water or sewer service or both are being turned off until all delinquent accounts have been paid in full. Delivery of the notice to the premises is considered delivery to the customer.

**Section 6.36.130. Customer complaints.**

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The Utility wants to resolve customer complaints as quickly as possible. The Utility will respond to the substance of each service complaint or other customer complaint within 10 working days of its receipt. If the Utility does not resolve a complaint to the customer's satisfaction, the customer may refer the matter to the Regulatory Commission of Alaska, 701 West 8<sup>th</sup> Avenue, Suite 300, Anchorage, AK 99501. The Commission's telephone number is 907-276-6222, toll free 1-800-390-2782 or TDD 907-276-4533.

CHAPTER 37  
**SOLID WASTE DISPOSAL (Reserved)**

Sections:

- 010. Purpose.
- 020. Definitions.
- 030. Solid waste disposal.
- 040. Solid waste storage.
- 050. Mandatory use.
- 060. Service requests, rates and billings.
- 070. Powers of the Mayor.
- 080. Other charges.

**Section 6.37.010 Purpose.**

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It is hereby declared to be the purpose of this chapter to regulate the storage, collections, processing, recovery and disposal of solid waste in order to protect the public safety, health and welfare, and to enhance the environment of the people of Cold bay. The City Council hereby establishes a solid waste disposal utility for the use of all residential and commercial establishments in the City of Cold Bay.

**Section 6.37.020 Definitions.**

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As used in this chapter, each of the following terms shall have the meaning herein stated:

- A. "Mayor" is the Mayor of Cold Bay or his designee.
- B. "Hazardous or toxic waste" is waste that requires special handling to avoid illness or injury to persons or damage to property.
- C. "Putrescible solid waste" is organic solid waste matter capable of being decomposed by microorganisms.
- D. "Secured load" means a load of solid waste which has been tied or covered in the vehicle in a manner that will prevent any part of the solid waste from leaving the vehicle while the vehicle is moving.
- E. "Solid waste" is useless, unwanted or discarded material with insufficient liquid content to be free flowing.
- F. "Solid waste collection" is the act of removing solid waste from the central storage point of a primary generating source to a place of solid waste disposal.
- G. "Solid waste disposal" is the orderly process of finally disposing of solid waste.
- H. "Solid waste storage" is the interim containment of solid waste, in an approved manner, after generation and prior to collection and disposal.
- I. "Commercial activity" refers to each governmental entity or each business or subsidiary thereof that generates solid waste caused by normal activity of business, such as a bar, or a store, or an airline, or an office building.

**Section 6.37.030. Solid waste disposal.**

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Every person or business residing in or occupying a building within the City shall use the Cold Bay landfill for the disposal of solid waste. The City does not provide a collection service, and is not responsible for the collection and/ or transport of solid waste to the landfill.

**Section 6.37.040 Solid waste storage.**

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Solid waste shall not be stored outdoors except in designated locations at the landfill. No person shall deposit solid wastes upon any street, alley, city or private property or in any container unless he does so with the permission of the City. It is unlawful to dump refuse or other solid waste within the corporate limits of the City except in designated locations at the City landfill. Failure to comply with this section shall constitute a misdemeanor, punishable, upon conviction, by a fine not to exceed \$500.

Section 6.37.050 Mandatory use.

Subscription to the solid waste facility is mandatory for all residential and commercial establishments. All solid waste generated within the city shall, unless exempted by the Mayor in writing, be disposed of by delivery to the City landfill. No toxic wastes, flammable materials or other hazardous materials will be accepted in the City landfill. Toxic wastes, flammable materials or other hazardous materials shall be separately contained, clearly identified and shipped to Anchorage, for proper disposal in accordance with any and all applicable federal, state and City laws and regulations.

Section 6.37.060 Service requests, rates and billings.

- A. It shall be the responsibility of the customer to apply for solid waste service by contacting the City office. Each waste generating commercial activity shall be a separate account. All applications shall remain in effect until the customer requests the City to discontinue the service. It shall be the responsibility of the customer to notify the City of any changes that may affect the monthly charges.
- B. The following rates, fees and service charges shall be assessed for City solid waste services:

<u>Type of service</u>	<u>Monthly rate</u>
Residential	\$10.00
Multi-family residential	\$10.00/unit
Commercial	\$40.00/ activity

- C. Billing for solid waste service shall commence with the date of occupancy of the facility for which the account is established. The City shall have the right to determine how and to whom service charges are to be billed. Failure to receive a bill or failure to apply for service does not relieve the customer of responsibility for the charges. All solid waste charges are the obligation of the owner of the facility for which the account is established. Service to vacant units may be suspended if the period of vacancy exceeds one month and the customer notifies the City in advance of the scheduled vacancy. In the event of overcharges or undercharges, adjustments will be limited to the most recent six-month period prior to discovery and notification of the error. All solid waste service charges shall be billed monthly in advance. Upon application, the Mayor can exempt residents of the City who are 65 years or older and are the heads of households from the solid waste service charge.

Section 6.37.070 Powers of the Mayor.

The Mayor may promulgate regulations governing the disposal of solid wastes which are not inconsistent with this chapter.

Section 6.37.080 Other charges.

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- A. Individuals or firms which regularly use the City landfill may obtain a permit which authorizes the extension of credit for disposal service transactions. Applications for a permit may be obtained at the City office. All applications shall be signed by an authorized agent of the individual of firm applying for the permit. All applications are subject to the approval of the Mayor or his/her designee.
- B. B. All Commercial Users and those doing remodeling or new construction must first go to the City Office and get a Dump Permit. Applications for a permit may be obtained at the City office for a cost of \$40.00. All applications are subject to the approval of the Mayor or his/her designee.

CHAPTER 38  
(Reserved)

CHAPTER 39  
**CITY EQUIPMENT**

Sections:

- 010. Recognition.
- 020. Use of equipment.
- 030. Rental of  
equipment.
- 040. Rental Rates.
- 050. City clerk.

Section 6.39.010 Recognition.

The City Council of Cold Bay recognizes that:

- A. The City of Cold Bay owns various trucks, loaders, tractors and other equipment; and
- B. That many times city owned equipment is the only equipment available for use on construction projects in Cold Bay; and
- C. That private contractors, individual citizens, the State of Alaska and the United States government often desire to use city owned equipment for use on construction projects; and
- D. That the cost of operation and maintenance of equipment in Cold Bay is high.

Section 6.39.020 Use of equipment.

Individuals, contractors, agencies of the State of Alaska or the United States government may make application to the City Council of Cold Bay for use of city equipment. The Council shall review their application and mayor may not grant use on such terms as the Council deems fit.

Section 6.39.030 Rental of equipment.

Rental agreements for use of city equipment shall be prepared by the City Council. The Council shall periodically review operation and maintenance costs of city equipment and set hourly, daily and longer term rates for the rental of city owned equipment. Renters shall be responsible for maintenance, fueling, repair and replacement of parts while equipment is under their control. The Council may require a city operator to be used on rental equipment.

Section 6.39.040 Rental Rates

- A. Equipment rental rate schedule will be prepared for city council review and approved by resolution annually or more frequently as the city council may direct.
- B. Long term rates for city equipment shall be established by negotiation with the City Council on a case-by-case basis. City council members may be poled for interim equipment rental rate(s) which may be adjusted at the next scheduled council meeting.

Section 6.39.050 City Clerk.

The City Clerk shall keep a file of blank rental agreements, completed and current rental agreements and rental rates.

CHAPTER 40  
**CITY PROPERTY; INVENTORY AND FILES**

Sections:

- 010. Inventory; files.
- 020. Ancillary files.
- 030. Register.
- 040. Definitions.
- 050. Capitalization of fixed assets.
- 060. Depreciation of fixed assets.
- 070. Fixed asset control of acquisitions.
- 080. Fixed asset control of dispositions.
- 090. Fixed asset records.

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**Section 6.40.010 Inventory; files.**

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The Office of the City Clerk shall prepare and maintain files which contain separate inventories and listings of all real and personal properties, capital improvements and equipment belonging to the City.

At a minimum these files shall contain:

- A. The date of acquisition of the property, improvement, or equipment;
- B. The condition at time of acquisition;
- C. The original cost whether borne by the City or paid by a donor agency such as PHS, Village Safe Water or another state or federal agency including a budget breakdown by categories of individual costs such as labor, materials, freight, etc.;
- D. Costs of subsequent repairs and improvements after acquisition;
- E. A listing of past, current and future repair, renovation, replacement or improvement needed, and in the case of current or future repair, renovation, replacement or improvement, estimates or quotations of costs.

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**Section 6.40.020 Ancillary files.**

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The Office of the City Clerk shall maintain ancillary files to the inventories and listings which shall include all supportive documents such as warranties, maintenance schedules, licenses, insurance coverage etc. These files shall be so maintained that any supportive information concerning a city property may be immediately retrieved. These files shall contain information, price lists, names, addresses and phone numbers about parts and suppliers.

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**Section 6.40.030 Register.**

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The Office of the City Clerk shall maintain a register which lists the locations, costs, dates of acquisition, serial numbers, etc. of all non expendable city properties individually valued at more than \$200.00 as of the date of acquisition. The City Clerk may provide for property control numbers or such other system of labeling city properties as the Council deems appropriate.

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**Section 6.40.040 Definitions.**

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- A. Capitalization is the process of recording the purchase of a fixed asset that is generally recorded individually on an asset schedule. Examples of capital expenditures are purchases of land, buildings, machinery, major overhauls to machinery, office equipment, leasehold improvements and vehicles.
- B. Depreciation represents the write-down or write-off of the cost of the asset over its estimated useful life.

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Section 6.40.050 Capitalization of fixed assets.

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- A. All assets with a useful life of greater than one year and costing more than \$500 will be capitalized and (except for land) will be recorded in the depreciation records. Any asset that does not meet the above criteria will be expensed such as small tools and equipment or repairs and maintenance.
- B. The cost basis of furniture and equipment assets will include all charges relating to the purchase of the asset including the purchase price, freight charges and installation if applicable.
- C. Leasehold improvements including paintings are to be capitalized if they relate to the occupancy of a new office or a major renovation of an existing office. Expenditures incurred in connection with maintaining an existing facility in good working order should be expensed as a repair.
- D. The cost of buildings should include all expenditures related directly to their acquisition or construction. These costs include materials, labor and overhead incurred during construction and fees, such as attorney's and architect's and building permits.

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Section 6.40.060 Depreciation of fixed assets.

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In general, the depreciation methods/lives for assets should be selected for consistent financial reporting (internal and external).

The following depreciation methods and useful lives should be used for the following asset classifications for financial reporting purposes:

<u>Asset Class</u>	<u>Useful Life</u>	<u>Method</u>
Vehicles	Three Year	Straight Line
Office Equipment & Computers	Five Years	Straight Line
Furniture & Machinery	Seven Years	Straight Line
Leasehold Improvements	Remaining life of lease term including option renewals	Straight Line
Building	Thirty Years	Straight Line

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Section 6.40.070 Fixed asset control of acquisitions.

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- A. All purchases of assets costing more than \$500 and less than \$5,000 will be approved by the department heads, the Mayor and or the City Council. Assets with a cost greater than \$25,000 will also require the approval of the City Council.
  - 1. A Capital Asset Requisition form must be completed and approved for all capital asset purchases. This form is to be attached to all purchase orders or check requests submitted to accounting. Department heads will determine the vendor for purchase of the capital assets.

- B. Any internally constructed or donated equipment will be reported to accounting if the item cost or has a value of \$500 or more. A complete description of the property, date manufactured or received, number of items, cost or estimated value, funding source used to acquire the asset, any manufacturer identification numbers such as model number and serial number, a city fixed asset tag number and a statement that it was internally constructed or donated will be included in the report.
- C. To maintain proper segregation and control upon termination of any employees, any employee owned tools, equipment or furniture brought on the city premises will be reported to the department head or Mayor. The report should include the employee's name, description of items, identification numbers if any and reason for using the asset.

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#### Section 6.40.080 Fixed asset control of dispositions.

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- A. Capital assets may be sold or traded-in on new equipment. An Asset Disposition form is to be completed by the department head and approved by the Mayor and or City Council. Any assets with an original value greater than 85,000 will also require the City Council's approval. If the asset was purchased with federal moneys, the agency who awarded those funds will also be contacted by the finance department
  - 1. Upon approval, the department may advertise the property for sale.
  - 2. After completion of the sale, the Asset Disposition form will be submitted to the finance department. The finance department will delete the item from the asset records. If the asset sold was purchased with moneys from a governmental fund type, the finance department will remove the asset from the general fixed asset account group listing. If it was purchased with moneys from a proprietary fund type, the finance department will remove the cost and related depreciation from the appropriate fund's balance sheet and record any proceeds, gains or losses on the disposition.
- B. Worn-out or obsolete property with no cash value will be reported to the finance department on the Asset Disposition form with the fixed asset number, description, serial number and condition. The finance department will inspect all worn-out or obsolete property before it is removed from the department and discarded. The asset will then be removed from the asset records.
- C. Any asset that is missing or has been stolen will be reported in writing to the finance department as soon as possible. The fixed asset number, description, serial number, and other information about the lost item should be included in the report.
  - 1. The finance department will determine the proper course of action and will notify the company's insurance carrier and any outside authorities if deemed appropriate. If unrecovered, the asset will then be removed from the asset records.

- D. Interdepartmental transfers of assets will be reported to the finance department in writing including the fixed asset number, description, serial number and the name of the department to receive the property.
1. The department head to whom the item was assigned originally will be held accountable until the finance department is notified of the transfer. After being notified, the department head acquiring the property assumes responsibility. The finance department will then record the departmental transfer on the asset records.

Section 6.40.090 Fixed Asset records.

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- A. Upon any asset acquisition, the finance department is responsible for assigning and attaching asset number tags to the property where it can be readily located.
1. The finance department will then maintain a detailed listing of each capital asset item along with depreciation records which will include the description, date acquired, vendor, cost basis, assigned department, depreciation method/life (if for either the Utility or Electrical Enterprise Funds) and accumulated depreciation and net book value.
- B. On an annual basis, the finance department will furnish each department a report showing a listing of assets assigned to that department and any acquisitions, disposals and transfers during the past year. Any discrepancies noted by the department should be notified to the finance department as soon as possible. This report should be filed by the department head for reference and later use.
- C. Each department will be responsible for locating assets with its number tag attached that are recorded as assigned to their department whenever requested by the finance department or the city's external auditors.
- D. Whenever a change in department head occurs, all items should be accounted for by the outgoing department head. The incoming department head will accept the responsibility and accountability for the departmental asset listing upon assuming the position. The finance department can assist with this audit if requested.

CHAPTER 41

Exercise Room

Sections:

- 010. Definitions
- 020. Membership
- 030. Liability

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**Section 6.41.010**      **Definitions**

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Residents:	The residence of a person is that place in which their habitation is fixed, and to which, whenever the person is absent, the person has the intention to return. If a person resides in one place, but does business in another, the former is his place of residence. Temporary construction camps do not constitute a dwelling place.
Non Resident:	A person that does not meet the resident criteria of this section.
Agreement:	The city will provide a form that participants of the exercise room must complete to be an authorized member of the exercise room.
Exercise Room:	The exercise room is the exercise facility that has the city exercise equipment and has been designated as the Exercise Room by the city

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**Section 6.41.020**      **Membership**

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Residents gain annual membership with a payment of the yearly due of \$40 in conjunction with completing the agreement each year.

Non Residents gain membership with a monthly due of \$5 with a \$25 key deposit.

The membership dues can be amended by the city by resolution.

Use of the exercise room is only for members in good standing with the city.

Nonpayment of membership dues will result in the membership being revoked and the key.

If a member is not in good standing with the city and the agreement, the city is authorized to revoke the membership and key from the member.

Persons under the age of 18 must be accompanied by an adult and have written parental permission to utilize the exercise room.

Members are to follow all rules and regulations set by the city.

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**Section 6.41.030**      **Liability**

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In signing the agreement, (Insert Liability Clause)

(Damage clause, member is responsible for damages to the facility and equipment.)

## CHAPTER 42

**ACCEPTANCE AND CONSENT OF DELEGATION OF POWERS**

Pursuant to AS 29.40.010(b) and Section 45.05.030(b) of the Code of the Aleutians East Borough, the City of Cold Bay accepts and consents to the delegation to the City of the powers and duties for the Borough to plan, plat and regulate the use of land within the City of Cold Bay.

CHAPTER 43  
**(RESERVED)**

CHAPTER 44  
**(RESERVED)**

CHAPTER 45  
**(RESERVED)**

CHAPTER 46  
**(RESERVED)**

CHAPTER 47  
**(RESERVED)**

CHAPTER 48  
**(RESERVED)**

CHAPTER 49  
**DOG AND CAT CONTROL**

**(Repealed, Ordinance 11-04, February 15, 2011)**

CHAPTER 50  
(Reserved)

CHAPTER 51  
(Reserved)

CHAPTER 52  
(Reserved)

CHAPTER 53  
(Reserved)

CHAPTER 54  
**LITTER; SANITATION MEASURES**

Sections:

- 010. Litter unlawful.
- 020. Notice to abate; removal by City.
- 030. Polluting water.
- 040. Water and sewer.
- 050. Authorized dump area. (Reserved)
- 060. Penalty.

Section 8.54.010                      Litter unlawful.

It is unlawful for any person to do any of the following within the city limits or those areas outside of the city limits that are owned, operated and/or regulated by the City.

- A. Cause or allow litter to be collected, deposited or to remain in any place under his control;
- B. Throw or deposit litter in or upon any street or public place except in public receptacles, in private receptacles for disposal, or in disposal areas designated by the City;
- C. Drive or move any vehicle which is carelessly loaded, or not constructed to prevent its load, or litter on it, from falling upon any street, alley or public place; and
- D. Throw or deposit litter on any private property, whether owned by the person or not;

Section 8.54.020                      Notice to abate; removal by City.

The Public Works Director or Mayor is authorized and empowered to notify the owner or occupier of any property to properly dispose of litter located on the property which is or may become dangerous to the public health, safety or welfare. The notice shall be by personal service or if that is not possible by certified mail, postage prepaid, addressed to the owner or occupier at his last known address.

Upon the failure, neglect or refusal of any owner or occupier so notified to properly dispose of litter within 30 days after the date of the notice or in the event the notice is returned to the City because of inability to make delivery, the City Clerk is authorized and empowered to pay for disposing of such litter or to order its disposal by the municipality.

Litter or other garbage dropped on the City Dock by visiting vessels, shall be removed by the offending vessel. Should the City effect the removal of such litter or has paid for its removal, a fine not to exceed the removal cost, plus associated penalties, plus accrued interest at the rate of eight (8) percent per year from the date of the completion of the work, shall be charged to the owner

or occupant of the property. Failure to pay the fine shall constitute a lien on the vessel and any or all of its property located within the City of Cold Bay. Such lien shall remain in effect until the fine and all accrued interest has been paid.

Section 8.54.030           Polluting water.

It is unlawful for any person to throw, empty out or deposit in any creek, ditch or near any inhabited place, any foul or filthy substance or allow the same to stand on his own premises or to seep into the premises of another.

Section 8.54.040           Water and sewer.

It shall be unlawful for any person, company or organization to deposit, dump, or in any manner dispose of human waste, offal, or excrement within the city limits except as provided in Chapter 36 Water and Sewer System of this code.

Section 8.54.050           Authorized dump area. (Reserved)

For the purposes of this chapter, the authorized disposal area shall be the dump area commonly used for dumping as designated by the City Council.

Section 8.54.060           Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 55  
(Reserved)

CHAPTER 56  
**OFFENSES AGAINST PROPERTY**

Sections:

- 010. Tampering with sewer and water system.
- 020. Injury to public library books or property.
- 030. Injury to roads and other utilities.
- 040. Injury to public property or equipment.
- 050. Penalty.

Section 8.56.010 Tampering with sewer and water system

It is unlawful for any person or persons to remove, carry away, or tamper with or attempt to destroy any portions of the city sewer and water system without the consent of the persons in control thereof.

Section 8.56.020 Injury to public library books or property.

It is unlawful for any person to willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture, or other property belonging to any public library or reading room.

Section 8.56.030 Injury to roads and other utilities.

It is unlawful for any person to willfully, maliciously or wantonly injure, remove or destroy any bridge, rail or plank road; or place or cause to be placed, any obstruction on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or post or pole used in connection with any system of electric lighting, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telephone instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto or to willfully tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, or water plant; or to aid or abet any other person in so doing.

Section 8.56.040 Injury to public property or equipment.

It is unlawful for any person to willfully, maliciously or wantonly injure, destroy or tamper with any public property or equipment whether within or outside of the city limits of Cold Bay.

Section 8.56.050 Penalty.

Failure to comply with a provision of this Chapter is a violation as defined in Chapter 01, Section 1.01.060 of this Code. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the

provisions of this Chapter shall be fined replacement and or repair costs and a fine not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 57  
(Reserved)

CHAPTER 58  
(Reserved)

CHAPTER 59  
(Reserved)

CHAPTER 60  
(Reserved)

CHAPTER 61  
**MOTOR VEHICLES (Reserved)**

**(Repealed, Ordinance 11-04, February 15, 2011)**

CHAPTER 62  
**CONTROL OF FIREARMS, DEADLY WEAPONS, EXPLOSIVES**

Sections:

- 010. Definitions.
- 020. Area of enforcement within the City.
- 030. Carrying concealed weapons.
- 040.
- 050. Discharging firearms.
- 060. Explosives.
- 070. Exclusions.
- 080. Penalty.

Section 8.62.010                      Definitions.

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“Dangerous weapon” means any firearm

Section 8.62.020                      Area of enforcement within the City.

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This chapter shall be enforced within that part of the City encompassed by the following description: All areas North and East of all runways; from the east end of airport runway 26 to and including the new city dock; from the ordinary low water mark at the beach West to and including the dump road and to the mouth of Trout Creek.

Section 8.62.030                      Carrying concealed weapons.

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All firearms shall be carried in accordance with Alaska State Statutes.

Section 8.62.050                      Discharging firearms.

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It is unlawful for any person to fire or discharge any pistol, gun, rifle or any other firearm within the area of enforcement except as allowed under Alaska State Statutes.

Section 8.62.060                      Explosives.

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It is unlawful for any person to detonate an explosive device within the area of enforcement without first obtaining the permission of the Council.

Section 8.62.070 Exclusions.

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- A. Sections 030 and 040 of this ordinance do not apply to any duly authorized City, State, or Federal law enforcement officer in the performance of official duties.
- B. Section 050 of this ordinance does not apply to duly authorized City, State, or Federal law enforcement officers under the following circumstances:
  - 1. When the use of the firearm is necessary to protect himself, a prisoner, another officer or a citizen from a dangerous and felonious assault;

2. When the use of a firearm is necessary to prevent a person who has committed a felony from escaping;
  3. When the use of a firearm is necessary to dispose of loose dogs as otherwise defined in this Code.
- C. Under no circumstances shall an officer fire upon any person who is attempting to escape arrest on a misdemeanor or lesser charge.
- D. Section 050 of this ordinance does not apply to a person who is:
1. Firing a firearm in justifiable defense of himself or of others or of property or otherwise in accordance with law;
  2. Sighting in firearms at a time and location approved by the Council;
  3. Discharge of shotguns for clay target shooting at the designated area located near the landfill;
  4. At such times as designated by the Council such as New Year's Eve.

Section 8.62.080                      Penalty.

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Failure to comply with a provision of this Chapter is a violation as defined in Chapter 1, Section 6 of this Code. Person, persons, companies, firms, corporations or other entity(ies) upon conviction of a violation of the provisions of this Chapter shall be fined not to exceed the sum of three hundred dollars (\$300.00). Such fine shall be set at the discretion of the fining authority.

CHAPTER 63  
(Reserved)

CHAPTER 64  
(Reserved)

CHAPTER 65  
(Reserved)

CHAPTER 66  
CITY ELECTIONS

Sections:

- 010. Administration.
- 020. Voter qualifications.
- 030. Residence criteria.
- 040. General elections.
- 050. Special Elections.
- 060. Election notices.
- 070. Simple majority of votes cast required.
- 080. Tie votes.
- 090. Qualifications for City Council.
- 100. Filing for office.
- 110. Withdrawal; written notice.
- 120. Publishing names.
- 130. Election judges.
- 140. Time off for voting.

Section 9.66.010 Administration.

- A. The city council shall prescribe the general rules for conducting city elections.
- B. The City Clerk is the supervisor of elections and shall prepare and maintain election materials and records. The Clerk shall begin preparations for a general election at least forty-five (45) days before the date of the election and for a special election as expeditiously as possible. The Clerk is responsible for contacting the State of Alaska, Division of Elections and making certain the City has on hand, before any election, the most current official voter registration list. The City Clerk shall act as Election Supervisor to the election board.
- C. The City shall pay all necessary expenses, including those of securing places for polls and providing ballot boxes, ballots, voting booths, screens, national and state flags and other supplies, printing ballots, posters and other materials necessary to the election, and any wages due judges and clerks. Salaries for the election judges and clerks shall be set by the council. However, all expenses of making a recount pursuant to an election contest shall be paid by the candidate or voters contesting the election, unless the results of the election are changed by the recount. If the recount is obtained by voters, each of them shall be individually liable for the whole amount of such expenses.

Section 9.66.020 Voter qualifications.

A person shall be qualified to vote in city elections who:

- A. Is a United States citizen who is qualified to vote in State elections;
- B. Has been a resident of Cold Bay for the 30 days immediately preceding

- the election;
- C. Is registered to vote in state elections at a residence in Cold Bay.
  - D. Is registered to vote in the municipality of Cold Bay, Alaska.
  - E. Is not disqualified under Article V of the constitution of the State of Alaska which provides that:
    - "No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed."

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Section 9.66.030                      Residence criteria.

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When determining residence for the purpose of qualifying voters the following criteria will apply:

- A. No person may be considered to have gained a residence solely by reason of his presence nor may he lose it solely by reason of his absence while in the civil or military service of the state or of the United States, or of his absence because of marriage to a person engaged in the civil or military service of the state or the United States, while a student at an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of the state, of the United States or of the high seas, while residing upon an Indian, Native Alaskan, or military reservation, or while residing in the Alaska Pioneers' Home.
- B. The residence of a person is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return. If a person resides in one place, but does business in another, the former is his place of residence. Temporary construction camps do not constitute a dwelling place.
- C. A change of residence is made only by the act of moving joined with the intent to remain in another place. There can only be one residence.
- D. A person does not lose his residence if he leaves his home and goes to another country, state or place in Alaska for temporary purposes only and with the intent of returning.
- E. A person does not gain residency by coming to the City without the present intention to establish his permanent dwelling in the City.
- F. A person loses his voting residence in the City if he votes in an election of another city or state, either in person or by absentee ballot, and will not be eligible to vote in this city's municipal elections until he again qualifies under this Chapter.
- G. The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.
- H. The address of a voter as it appears on his official state voter registration card is presumptive evidence of the person's voting residence. If the person has changed his voting residence, this presumption is negated only by the voter executing an affidavit on a form prepared by the supervisor of elections setting out his new voting residence.

**Section 9.66.040**                    **General elections.**

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The regular general election for Council members and other elected city officials shall be held each year on the first Tuesday in October, to be held in conjunction with the General Election of the Aleutians East Borough. Questions or propositions may be placed on the ballot at this time. Notice of the election must be posted in 3 public places for 30 days preceding the date of election.

**Section 9.66.050**                    **Special elections.**

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- A. If a petition submitted by voters for an initiative, referendum or recall election is certified sufficient by the City Clerk and submitted to the City Council, and no regular election is scheduled at least 45 days but no more than 75 days after certification, the Council shall resolve that a special election be held on the question no less than 45 days nor more than 75 days after certification of the petition.
- B. If a special election is required by act of the City Council, the City Council shall resolve that a special election on the question proposed by the Council's ordinance or resolution be held no less than 20 days nor more than 75 days following the Council's action.
- C. If the regular general election held each year on the first Tuesday of October occurs within seventy-five (75) days of the date of submission of a petition by voters for an initiative, referendum or recall election, or if the regular general election occurs within seventy-five (75) days of Council action which requires election then no special election may be scheduled and the question or proposition shall be placed on the regular election ballot.
- D. Notice of a special election shall be posted in at least three (3) public places for at least twenty (20) days preceding the date of election.
- E. The date of all special elections will be pre-cleared by the United States Department of Justice. The pre-clearance letter will be submitted immediately after the date of the election has been established. The results of any special election will not be implemented until pre-clearance approval has been received, or until 60 days has passed from date of submission of the pre-clearance letter, whichever is sooner.

**Section 9.66.060**                    **Election notices.**

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- A. Election notices shall be prepared and posted in three public places by the City Clerk for at least 30 days preceding the date of the general election and for at least 20 days preceding the date of a special election, and shall contain the following, as is appropriate:
  - 1. Whether the election is general, special or runoff;
  - 2. Date of the election;
  - 3. Location of the city polling place(s);
  - 4. Time the polling place(s) will open and close;
  - 5. Offices to be filled;
  - 6. A statement describing voter qualifications;

- 7. Time for filing declarations of candidacy and nominating petitions;
  - 8. A statement of any questions or propositions to be placed on the ballot.
- B. A sample election notice that may be used is shown at the end of this chapter.

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Section 9.66.070                    A simple majority of votes cast required.

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That candidate receiving the greatest number of the votes cast for his or her respective office shall be the winner.

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Section 9.66.080                    Tie votes.

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In the event of a tie vote, and after a recount of ballots that confirms the tie vote, the Council shall in its first meeting after the election call in the candidates receiving the tie votes and have the candidates draw straws or flip a coin to determine the winner. Those candidates wishing to withdraw may do so by submitting in writing a declination of candidacy to the council at this meeting.

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Section 9.66.090                    Qualifications for City Council.

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A person filing for election to a city council seat must be:

- A. A United States citizen who is qualified to vote in state elections;
- B. A resident of the City for nine (9) months immediately preceding the election for which declaring candidacy;
- C. Registered to vote in state elections;
- D. Registered to vote in city elections;
- E. Not disqualified under Article V of the Constitution of the State of Alaska which provides that;

"No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed."

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Section 9.66.100                    Filing for office.

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- A. A person who wishes to become a candidate for an elective office shall complete and file a declaration of candidacy with the City Clerk. This shall be filed no earlier than 30 days nor later than 20 working days prior to the date of the election.
- B. A person filing for a City Council seat must meet the qualifications of Section 9.66.090 of this Chapter.
- C. The forms appearing at the end of this chapter illustrate the forms to be used for the declaration of candidacy.
- D. The City Clerk will maintain a record containing the name and address of every person who has filed a declaration of candidacy and the date and time of filing. This record shall be preserved until the term for which he declared expires.



NOTICE OF GENERAL ELECTION  
CITY OF COLD BAY, ALASKA  
TO BE HELD: \_\_\_\_\_  
IN CONJUNCTION WITH THE BOROUGH ELECTION

FOR THE PURPOSE OF FILLING \_\_\_\_ ( \_ ) VACANT SEATS ON THE CITY COUNCIL OF COLD BAY, ALASKA.

Council member Qualifications:

1. UNITED STATES CITIZEN.
2. QUALIFIED TO VOTE IN STATE ELECTIONS.
3. REGISTERED TO VOTE IN STATE ELECTIONS.
4. REGISTERED TO VOTE IN CITY ELECTIONS.
5. RESIDENT OF THE CITY 9 MONTHS.
6. NOT DISQUALIFIED UNDER ART. B OF THE STATE CONSTITUTION.

SEAT :            -YEAR TERM ( -  
 SEAT :            -YEAR TERM ( -  
 SEAT :            -YEAR TERM ( -  
 SEAT :            -YEAR TERM ( -

Voter Qualifications:

1. UNITED STATES CITIZEN.
2. QUALIFIES TO VOTE 1N STATE ELECTIONS.
3. REGISTERED TO VOTE IN STATE ELECTIONS.
4. REGISTERED TO VOTE 1N CITY ELECTIONS.
5. RESIDENT OF THE CITY 9 MONTHS.
6. NOT DISQUALIFIED UNDER ART. B OF THE STATE CONSTITUTION.

POLLS WILL OPEN: 8:00 A.M., \_\_\_\_\_  
 POLLS WILL CLOSE: 8:00 P.M., \_\_\_\_\_  
 OCATION OF POLLS: CITY MUNICIPAL BUILDING

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CHAPTER 67  
**ELECTION EQUIPMENT AND MATERIALS**

Sections:

- 010. Election booths.
- 020. Furnishing instruction cards.
- 030. Ballots; printing; sample ballots.
- 040. Ballots; form.
- 050. Other materials.

Section 9.67.010 Election booths.

The election supervisor shall provide booths at each polling place, with enough supplies and materials to enable each voter to mark his ballot hidden from observation. At least three exterior sides of each booth shall be within plain view of the judges, clerks, voters, and other persons at each polling place.

Section 9.67.020 Furnishing instruction cards.

The election supervisor shall prepare for each polling place instructions for the guidance of voters covering the following:

- A. How to obtain a ballot;
- B. How to mark a ballot;
- C. How to obtain additional information; and
- D. How to obtain a new ballot to replace any ballot destroyed or spoiled.

The election supervisor shall furnish a necessary number of these instruction sheets to the election judges in the polling place.

Section 9.67.030 Ballots; printing; sample ballots.

In all city elections, the City Clerk, as election supervisor, will be responsible for the printing of ballots. The ballots will be printed and in the possession of the City Clerk, at least twenty days before the date set for a general or special election and three days before the date set for a runoff election. There shall be at least three ballots printed on colored paper, with the words "SAMPLE BALLOT" printed on them, to be posted in the clerk's office until election day and then given to the judges at the polling place.

Section 9.67.040 Ballots; form.

- A. The ballots shall state at the top whether the election is a regular, special, or runoff election.
- B. The ballots shall include instructions on how to mark the ballots.
- C. The ballots will be printed on plain white paper and numbered in consecutive order to assure simplicity and secrecy and to prevent fraud. The Clerk shall assure that there are one-third more ballots printed and numbered than there are registered voters in Cold Bay, in order to provide replacement ballots for ballots that may be spoiled by voters and for those

- persons who cast questioned ballots because their names do not appear on the Master Voter Registration List.
- D. A ballot shall show the list of candidates and issues to be decided at the election.
  - E. Before the list of candidates there shall be placed the words "vote for not more than three," or "vote for not more than one", or such other number as are to be elected.
  - F. Under the title of each office and before the printed names of the candidates, there shall be printed "Vote for one" or such other number as are to be elected to that office. The ballots shall list the office for which votes may be cast. The name of each office shall be followed by the names of all candidates for that office listed in a random order, and by a blank line or lines for write-in candidates. In regular and special elections the number of blank lines provided for each office shall be equal to the number of persons who are to be elected to the office. No blank lines shall be provided for run-off elections.
  - G. The names of the candidates will be printed in capital letters the same size. At the end of each line on which the name of a candidate is printed, and each blank line provided for write-in candidates, a square not less than one-quarter of an inch on each side will be printed.
  - H. The names of candidates shall be printed as they appear upon the declarations of candidacy or nominating petitions filed with the City Clerk, except that any honorary or assumed title or prefix shall be omitted.
  - I. Following the names of the offices and candidates, there shall be placed on the ballot in the form prescribed by law all propositions and questions to be voted upon if any. Provision shall be made for marking the propositions or questions "Yes" or "No."
  - J. Somewhere on the ballots, so as to be clearly visible, will be printed the words:
    - 1. "OFFICIAL BALLOT":
    - 2. The date of the election; and
    - 3. The signature of the Clerk who had the ballots printed.
  - K. The sample ballot appearing at the end of this chapter illustrates the ballot format.

Section 9.67.050 Other materials.

At least 30 days prior to the day of the election, the Clerk shall prepare or request the following materials:

- A. An updated Master Voter Registration List, containing the names, in alphabetical order, of all registered voters eligible to vote in the election;
- B. A blank register in which the voters may print and sign their names and print their residence addresses, and in which the election official may note the number of the ballot issued to the voter;
- C. Tally sheets;
- D. A form for the Report of Preliminary Election Results;
- E. Envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots;
- F. Two large envelopes for each polling place, one marked "Spoiled Ballots" and the other marked "Questioned Ballots";
- G. Copies of the Notice of Election and the city's elections ordinance.

AFTER MARKING BALLOT, FOLD BALLOT TO THIS LINE

CITY OF COLD BAY, ALASKA  
OFFICIAL BALLOT

DISTRICT 3.

COLD BAY

INSTRUCTIONS

1. Mark ballots by placing an "X" in the box indicating your choice. To vote for a person whose name is not printed on the ballot, write his or her name in the blank space below the list of candidates.
2. Erasures will invalidate the ballot. If you mark the wrong box or spoil the ballot, return it to an election judge who will exchange it for a new ballot.

VOTE FOR NO MORE THAN (4) FOUR

COLD BAY CITY COUNCIL MEMBER  
MEMBER

SEAT \_ : \_ YEAR TERM  
(Vote for only one)

\_\_\_\_\_

\_\_\_\_\_

COLD BAY CITY COUNCIL

SEAT \_ : \_ YEAR TERM  
(Vote for only one)

\_\_\_\_\_

\_\_\_\_\_

COLD BAY CITY COUNCIL MEMBER  
MEMBER

SEAT \_ : \_ YEAR TERM  
(Vote for only one)

\_\_\_\_\_

\_\_\_\_\_

COLD BAY CITY COUNCIL

SEAT \_ : \_ YEAR TERM  
(Vote for only one)

\_\_\_\_\_

\_\_\_\_\_

Prepared by: \_\_\_\_\_ City Clerk

CHAPTER 68  
**ELECTION PROCEDURES**

Sections:

- 010. Location of polls and time for opening and closing.
- 020. Distribution of ballots.
- 030. Distribution of other election materials.
- 040. Preparation of ballot box.
- 050. Voting; general procedure.
- 060. Voting; spoiled ballots.
- 070. Voting; questioned ballots.
- 080. Assisting voter by judge.
- 090. Prohibitions.
- 100. Administration of oaths.
- 110. Majority decision of election board.
- 120. Ballots; counting and tallying.
- 130. Rules for counting ballots.
- 140. Report of election results.
- 150. Posting certificate of preliminary election results.

Section 9.68.010                      Location of polls and time for opening and closing.

- A. The normal voting place shall be the city offices. If for some reason beyond the control of the Council this location is unusable, the Council may by resolution designate a different location. Such location shall be included in all notices of election.
- B. On the day of any election, the election board shall open the polls for voting at eight in the morning, shall close the polls for voting at eight o'clock in the evening, and shall keep the polls open during the time between these hours. The election board members shall report to the polling place at 7:30 in the morning on an election day.
- C. Fifteen minutes before the closing of the polls, an election judge shall announce to all persons present the time remaining before the polls close. A judge shall announce the time when the polls close. When the polls are closed, no ballots will be given out except to qualified voters present at the polls and waiting to vote when the polls are announced closed.
- D. Election precincts for city elections shall be the same as those established for state elections, except that all areas of state election precincts outside the city limits are excluded. Currently the City of Cold Bay is entirely within the Cold Bay election precinct.

Section 9.68.020                      Distribution of ballots.

- A. Before the polls open on election day the election supervisor/city clerk shall deliver the ballots and sample ballots prepared pursuant to Section 9.67.040 to an election board member at the polling place. No

ballots shall be taken from the polling place before the closing of the polls.

- B. The election supervisor shall keep the following records:
  - 1. The number of ballots delivered to the polling place;
  - 2. The number of persons who voted; (include question ballots)
  - 3. The number of spoiled ballots;
  - 4. The number of unused ballots: (# of the last unused ballot minus of the first unused ballot plus one)
  - 5. The number of absentee ballots by personal representative;
  - 6. The total number of all ballots;
  - 7. The number of questioned ballots voted; and
  - 8. The numbers of the unused ballots.
- C. A sample official ballot statement appears at the end of this chapter.

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Section 9.68.030                      Distribution of other election materials.

On election day, the election supervisor shall also furnish the election board judges at the polling place with voting booths and ballot box (with lock or sealing materials); and the following materials: the updated Master Voter Registration List; a Blank Register; envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots; an envelope for the collection of spoiled ballots and an envelope for the collection of questioned ballots; a copy of the Notice of Election and the City's elections ordinance; a sufficient number of Instruction Sheets; and a sufficient supply of pens, pencils, and envelopes.

The election supervisor shall supply the election board chairperson with tally sheets and forms for the Report of Preliminary Election Results.

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Section 9.68.040                      Preparation of ballot box.+++

Before receiving any ballots the election board must, in the presence of all persons present at the polling place, open and exhibit the ballot box to be used at the polling place. After showing the box, the box will be sealed and not opened again until the polls are finally closed. At the close of the polls and after deposit into the ballot box of all ballots properly voted upon, the ballot box will be personally opened by the election judges.

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Section 9.68.050                      Voting: general procedure.

- A. A voter shall give the judges or clerks his name, and print and sign his name, and write his residence address on the first available line of the blank register. The signing of the register is a declaration by the voter that he is qualified to vote. If the voter is not known to any judge or clerk present, the judge or clerk may require the voter to produce a state Voter registration card or other identification. If, in the opinion of the judge or clerk, there is doubt as to whether the person is registered to vote, he shall immediately question the voter.
- B. If the voter is not questioned, the judge or clerk shall give the voter a

single ballot and note its number in the register next to the voter's name. The voter shall then retire alone to a voting booth. There the voter without delay shall prepare his ballot by marking the boxes opposite the names of candidates of his choice, whether printed on the ballot or written in by him on the blank lines provided for that purpose. The voter also marks the boxes to indicate his vote for or against questions and propositions. Before leaving the voting booth, the voter shall fold his ballot in a manner displaying the number on the ballot and deliver it to one of the judges or Clerks, who shall, without unfolding the ballot or allowing any person to see how it is marked, remove the number stub and return the ballot to the voter if the ballot bears the same number as the ballot given to the voter by the judges and Clerks. The voter shall then himself in the presence of the election judge deposit the ballot in the ballot box unless the voter requests the election judge to deposit the ballot on his behalf. Separate ballot boxes may be used for separate ballots.

- C. If a voter is questioned, the voter may cast a questioned ballot pursuant to Section 9.68.070.

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Section 9.68.060                      Voting; spoiled ballots.

If a voter improperly marks or otherwise damages a ballot, and discovers his mistake before the ballot is placed into the ballot box, he shall return it to an election official, concealing from view the manner in which it is marked, and request a new ballot. The election official shall remove the ballot stub (number) and place the stub in the envelope marked for this purpose, record its number, and have the voter destroy and dispose of the spoiled ballot in your presence. The judge or Clerk shall then issue a new ballot to the voter. A voter may request replacement of a spoiled ballot no more than two times for a total of three ballots.

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Section 9.68.070                      Voting; questioned ballots.

- A. Every election judge and election clerk shall question, and any other person qualified to vote in the City may question a person attempting to vote if the questioner has good reason to suspect that the questioned person is not qualified to vote. All questions regarding a person's qualifications to vote shall be made in writing setting out the reason the person has been questioned.
- B. If a voter's name is not on the Master Voter Registration List or a voter's eligibility to vote is questioned or there is some other question regarding a voter's eligibility, and the voter believes that he or she is registered and eligible to vote, then the voter shall sign an envelope bearing the Oath and Affidavit of Eligibility attesting to the fact that in each particular the person meets all the qualifications of a voter, is not disqualified, and has not voted at the same election. After the questioned person has executed the Oath and Affidavit of Eligibility the

- person may cast a questioned ballot. If the questioned person refuses to execute the Oath and Affidavit of Eligibility, the person may not vote.
- C. A voter who casts a questioned ballot shall vote his ballot in the same manner as prescribed for other voters. After the election judge removes the numbered stub from the ballot, the voter shall insert the ballot into a small envelope and put the small envelope into a larger envelope on which the statement the voter previously signed is located. The larger envelope shall be sealed and deposited in the ballot box. When the ballot box is opened, these envelopes shall be segregated, counted, compared to the voting list, sealed in the questioned ballots envelope and delivered to the election supervisor along with other election materials and the ballot statement when the election board completes the tally and account of ballots. The merits of the question shall be determined by the City Council, meeting as the election review board on the first Friday following the election.
- D. A sample Oath and Affidavit of Eligibility form is included at the end of this Chapter.

Section 9.68.080                      Assisting voter by judge.

A qualified voter who cannot read, mark the ballot, or sign his name or who because of blindness or other physical disability, or who because of unfamiliarity with the system of voting needs assistance, may request an election judge, a person, or not more than two persons of his choice to assist him. If the election judge is requested, he/she shall assist the voter. If any other person is requested, the person shall state upon oath before the election judge that he/she will not divulge the vote cast by the person whom he/she assists or change the voting wishes of the person he/she assists.

Section 9.68.090                      Prohibitions.

- A. Prohibiting the leaving of the polling place with ballot. No voter may leave the polling place with the official ballot that he received to mark.
- B. Prohibiting the exhibition of marked ballots. No voter may exhibit his ballot to an election official or any other person so as to enable any person to ascertain how the voter marked his ballot.
- C. Prohibiting the identification of ballots. No election official may, while the polls are open, open any ballot received from a voter, or mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked his ballot, or allow the same to be done by another person.
- D. Prohibiting the count of exhibited ballots. No election official may allow a ballot which he knows to have been unlawfully exhibited by the voter to be placed in the ballot box. A ballot unlawfully exhibited shall be recorded as a spoiled ballot and destroyed.
- E. Prohibition of political discussion by election board. During the hours that the polls are open, no judge or clerk may discuss any political

- party, candidate or issue while on duty.
- F. Prohibition of political persuasion near election polls. During the hours that polls are open, no person who is in the polling place or within 200 feet of any entrance to the polling place may attempt, by word or manner, to persuade a person to vote for or against a candidate, proposition or question. The election judges shall post warning notices of the required distance in the form and manner prescribed by the supervisor of elections.

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Section 9.68.100 Administration of oaths.

Any election judge may administer to a voter any oath that is necessary in the administration of the election.

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Section 9.68.110 Majority decision of election board.

The decision of the majority of judges determines the action that the election board shall take regarding any question which arises during the course of the election.

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Section 9.68.120 Ballots: counting and tallying.

- A. Immediately after the polls close and the last vote has been cast the election judges will open the boxes containing the ballots and count the ballots. Ballots may not be counted before 8:00 P.M. on the day of the election. The counting of the ballots shall be public. The opening of the ballot box at the close of the polls shall be done in full view of any persons present. The public may not be excluded from the area in which the ballots are counted. However, the chairman of the election board shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties, and no one other than appointed election officials may handle the ballots. The judges shall remove the ballots from the ballot box one by one, and tally the number of votes for each candidate and for or against each proposition or question. The ballots shall be inspected for disqualifying marks or defects. The election judges shall cause the vote tally to be continued without adjournment until the count is complete.
- B. The election board shall account for all ballots by completing a ballot statement containing:
1. The number of ballots delivered to the polling place;
  2. The number of persons who voted; (include question ballots)
  3. The number of spoiled ballots
  4. The number of unused ballots: (#of the last unused ballot\_\_\_minus # of the first unused ballot plus one);
  5. The number of absentee ballots by personal representative;
  6. The total number of all ballots;
  7. The number of questioned ballots voted; and
  8. The numbers of the unused ballots. (            )

- C. The board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. If any discrepancies in numbers of ballots received and ballots accounted for are found, the ballots shall be recounted until the election board finds that the number of ballots accounted for are the same as the number received or that there is an unexplainable error. If a discrepancy is determined to exist between the ballots received and those accounted for it shall be explained in detail on the ballot statement and the explanation signed by the election judges.
- D. The forms at the end of this chapter illustrate Tally Sheets and Ballot Statement forms that may be used.

Section 9.68.130                      Rules for counting ballots.

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- A. The election board shall count ballots according to the following rules.
1. A voter may mark his ballot only by the use of cross-marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate or propositions the voter desires to designate.
  2. A failure to properly mark a ballot as to one or more candidates or propositions does not itself invalidate the entire ballot.
  3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
  4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
  5. The mark specified in subsection A of this section shall be counted only if it is mostly inside the square provided, or touching the square so as to indicate that the voter intended the particular square to be designated.
  6. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly made.
  7. An erasure or correction invalidates only that section of the ballot in which it appears.
  8. Write-in votes are not invalidated by writing in the name of the candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence that the ballot was marked for the purpose of identifying the ballot.
  9. Write-in votes are invalidated if the voter fails to mark the 'square provided.
  10. No ballot shall be rejected if the election board can determine the person for whom the voter intended to vote and the office intended to be chosen by the voter.

- B. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.
- C. The chairman of the election board shall write the word "Defective" on the back of each ballot which the election board determines should not be counted, in whole or in part, for any of the reasons (other than failure of the voter to mark any choice with respect to a particular office or proposition) stated in subsection (A) of this section. If only a portion of the ballot is invalid, the valid votes shall be counted and the chairman shall specify on the back of the ballot exactly which portion or portions have not been counted.
- D. If a particular objection is made to the counting of all or any part of a ballot, but the election board determines that the votes shown should be counted, the chairman of the election board shall write the words "Objected to" on the back of the ballot and specify the portion or portion of the ballot to which the objection applies.
- E. All defective ballots and all ballots objected to shall be sealed in a single envelope marked "Defective Ballots," which shall be delivered to the election supervisor.

---

Section 9.68.140                      Report of election results.

---

- A. When the count of ballots is completed, the election board shall make a certificate in duplicate of the results using the Report of Preliminary Election Results form. The report shall include the number of votes cast for each candidate, for and against each proposition, yes or no on each question and any additional information the election board deems relevant or prescribed by the election supervisor. All members of the election board shall immediately upon completion of the report sign both copies of the report. The election board shall immediately upon completion of the certificate deliver to the election supervisor one of the two original certificates and the Master Voter Registration List, register of voters, tallies, oaths of judges, Oaths and Affidavits of Eligibility, questioned ballots, defective ballots, spoiled ballots and other election documents in one sealed package, and in a separate sealed package, all ballots properly cast. The chairman of the election board shall keep the duplicate of the report of election in a safe place and present it to the election review committee on the Friday following the election when the committee meets.
- B. The election supervisor shall place all election materials received from the election board in a locking file cabinet in the city office until the canvass of election returns on the Friday following the election. The election board shall immediately upon completion of the certificate deliver to the election supervisor one of the two original certificates.

Section 9.68.150            Posting certificate of preliminary election results.

- A.     The Clerk shall post copies of the Certificate of Preliminary Election Results in three public places the day after the preliminary election results are known. The notice shall include:
1. The time and place of the council meeting to be convened to consider the election results;
  2. That the results do not reflect the votes of absentee and questioned ballots and are not final until the council formally certifies the election; and
  3. That anyone has the opportunity to contest the election at the meeting.

CITY OF COLD BAY, ALASKA  
OATH AND AFFIDAVIT OF ELIGIBILITY

I, \_\_\_\_\_ DO DECLARE THAT I AM A RESIDENT OF THE CITY OF COLD BAY, ALASKA, AND MEET ALL OF THE MINIMUM REQUIREMENTS SET FORTH BY LOCAL ORDINANCES AND STATE LAW TO VOTE IN THIS ELECTION.

I AM NOT DISQUALIFIED, AND HAVE NOT VOTED IN THIS ELECTION.

SIGNED: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TALLY SHEET  
CITY OF COLD BAY, ALASKA  
(DATE OF ELECTION)  
(DATE AND TIME OF VOTE COUNT)

Council Seat \_\_\_\_\_ Term \_\_\_\_\_  
NAME

- 1. \_\_\_\_\_ (\_\_\_\_)
- 2. \_\_\_\_\_ (\_\_\_\_)
- 3. \_\_\_\_\_ (\_\_\_\_)
- 4. \_\_\_\_\_ (\_\_\_\_)

Write-in

- 1. \_\_\_\_\_ (\_\_\_\_)
- 2. \_\_\_\_\_ (\_\_\_\_)
- 3. \_\_\_\_\_ (\_\_\_\_)
- 4. \_\_\_\_\_ (\_\_\_\_)

Council Seat \_\_\_\_\_ Term \_\_\_\_\_  
NAME

- 1. \_\_\_\_\_ (\_\_\_\_)
- 2. \_\_\_\_\_ (\_\_\_\_)
- 3. \_\_\_\_\_ (\_\_\_\_)
- 4. \_\_\_\_\_ (\_\_\_\_)

Write-in

- 1. \_\_\_\_\_ (\_\_\_\_)
- 2. \_\_\_\_\_ (\_\_\_\_)
- 3. \_\_\_\_\_ (\_\_\_\_)
- 4. \_\_\_\_\_ (\_\_\_\_)

Council Seat \_\_\_\_\_ Term \_\_\_\_\_  
NAME

- 1. \_\_\_\_\_ (\_\_\_\_)
- 2. \_\_\_\_\_ (\_\_\_\_)
- 3. \_\_\_\_\_ (\_\_\_\_)
- 4. \_\_\_\_\_ (\_\_\_\_)

Write-in

- 1. \_\_\_\_\_ (\_\_\_\_)
- 2. \_\_\_\_\_ (\_\_\_\_)
- 3. \_\_\_\_\_ (\_\_\_\_)
- 4. \_\_\_\_\_ (\_\_\_\_)

Council Seat \_\_\_\_\_ Term \_\_\_\_\_  
NAME

- 1. \_\_\_\_\_ (\_\_\_\_)
- 2. \_\_\_\_\_ (\_\_\_\_)
- 3. \_\_\_\_\_ (\_\_\_\_)
- 4. \_\_\_\_\_ (\_\_\_\_)

Write-in

- 1. \_\_\_\_\_ (\_\_\_\_)
- 2. \_\_\_\_\_ (\_\_\_\_)
- 3. \_\_\_\_\_ (\_\_\_\_)
- 4. \_\_\_\_\_ (\_\_\_\_)

Propositions

1.	YES	NO
2.	YES	NO
3.	YES	NO

CITY OF COLD BAY, ALASKA  
REPORT OF PRELIMINARY ELECTION RESULTS

The tally below is a true and accurate record of all regular votes cast in the \_\_\_\_\_ election held in the City of Cold Bay, Alaska on \_\_\_\_\_

PART I: ELECTIVE OFFICES

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	5. _____	_____
2. _____	_____	6. _____	_____
3. _____	_____	7. _____	_____
4. _____	_____	8. _____	_____

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	5. _____	_____
2. _____	_____	6. _____	_____
3. _____	_____	7. _____	_____
4. _____	_____	8. _____	_____

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	5. _____	_____
2. _____	_____	6. _____	_____
3. _____	_____	7. _____	_____
4. _____	_____	8. _____	_____

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	5. _____	_____
2. _____	_____	6. _____	_____
3. _____	_____	7. _____	_____
4. _____	_____	8. _____	_____

PART II:
BALLOT PROPOSITIONS AND QUESTIONS

PROPOSITION \_\_\_\_\_: FOR \_\_\_\_\_ AGAINST \_\_\_\_\_
PROPOSITION \_\_\_\_\_: FOR \_\_\_\_\_ AGAINST \_\_\_\_\_
QUESTION \_\_\_\_\_: YES \_\_\_\_\_ NO \_\_\_\_\_
QUESTION \_\_\_\_\_: YES \_\_\_\_\_ NO \_\_\_\_\_

PART III:
OFFICIAL BALLOTS STATEMENT

FOR SEATS FOR PROP. A

- 1. NUMBER OF OFFICIAL BALLOTS RECEIVED \_\_\_\_\_
2. NUMBER OF PERSONS WHO VOTED \_\_\_\_\_
(Include questioned ballots)
3. NUMBER OF BALLOTS SPOILED \_\_\_\_\_
4. THE NUMBER OF UNUSED BALLOTS \_\_\_\_\_
# of the last unused ballot \_\_\_\_\_ minus # of the first unused ballot \_\_\_\_\_ plus one
5. NUMBER OF ABSENTEE BALLOTS \_\_\_\_\_
BY PERSONAL REPRESENTATIVE
6. TOTAL NUMBER OF ALL BALLOTS \_\_\_\_\_
(add lines 2, 3,4, and 5. Lines 1 and 6 must agree).
7. NUMBER OF QUESTIONED BALLOTS VOTED \_\_\_\_\_

NUMBER OF SIGNATURES IN REGISTER
REGULAR \_\_\_\_\_ QUESTIONED \_\_\_\_\_

THE FOLLOWING ARE NUMBERS OF UNUSED BALLOTS:
BALLOTS FOR SEATS \_\_\_\_\_
BALLOTS FOR PROPOSITION \_\_\_\_\_

The tally of votes was completed between the \_\_\_\_\_ p.m. and \_\_\_\_\_ p.m. \_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Election Board Chairman  
Election Judge  
Election Judge

Attest:

\_\_\_\_\_  
City Clerk City Seal

CHAPTER 69  
**ABSENTEE VOTING**

Sections:

- 010. Absentee voting; eligible persons.
- 020. Absentee ballots; application; filing.
- 030. Ballot and envelope form.
- 040. Absentee voting procedures.
- 050. Absentee ballots; delivery.
- 060. Absentee voting at Clerk's office; absentee voter's ballot.
- 070. Absentee ballots; executing outside city.
- 080. Voting at the polls; absentee voters; surrender of materials.
- 090. Retention of absentee ballots; delivery.
- 100. Liberal construction.

Section 9.69.010                      Absentee voting; eligible persons.

---

Any qualified voter, who expects to be absent from the City on the day of any election, or who will be unable to vote by reason of physical disability, may cast an absentee ballot.

Section 9.69.020                      Absentee ballots; application; filing.

---

- A. A person who seeks to vote by absentee ballot may file either in person or by making written application to the City Clerk.
- B. Written application must be received by the City Clerk no more than twenty days, nor less than three days before a city election. An application made in person must be filed with the City Clerk not more than twenty days before the city election, and no later than the day before a city election.
- C. The application must be signed by the applicant, show his/her place of residence, and if to be mailed, his/her mailing address.
- D. No absentee voter's ballot shall be mailed to any address in the City. Any voter present in the City who requires an absentee ballot shall personally obtain the ballot from the City Clerk.
- E. Nothing in this section is intended to limit the City Clerk in personally delivering a ballot to a person who, because of physical incapacity, is unable to make application in person at the City Clerk's office for an absent voter's ballot. The City Clerk may deliver an absentee ballot to a disabled person living within the City at any time until the polls close on election day.
- F. The form appearing at the end of this chapter illustrates this application.

Section 9.69.030                      Ballot and envelope form.

---

The ballot provided to absentee voters shall be identical to the ballots prepared for regular voters and used on election day. The ballot envelope shall be smaller

than the return envelope so it may easily be enclosed in the return envelope. The ballot envelope shall be marked "Ballot Envelope" and have no other marks upon it. The ballot envelope and the return envelope shall be of heavy opaque paper. The return envelope shall have printed upon its back the affidavit and certification illustrated at the end of this chapter.

---

Section 9.69.040                      Absentee voting procedures.

---

- A.     The Clerk shall provide each eligible absentee voter with an official ballot prepared in accordance with Section 9.67.040, together with a ballot envelope and a prepaid return envelope.
- B.     The Clerk shall not issue an absentee ballot sooner than 20 days before the election.
- C.     Upon issuing an absentee ballot to a voter, either by mailing or by personal delivery, the Clerk shall enter in the blank register the following information: the number of the ballot issued, the name of the voter to whom it was issued, and the date on which the ballot was issued.
- D.     To be counted, an absentee voter's ballot must be executed before the polls close in the City and be received by the Clerk prior to the time the ballots are canvassed by the election review committee.
- E.     All supplies necessary for the voter to cast and return his ballot will be furnished by the Clerk. No city official may make any charge for services rendered to any voter under the provisions of this Chapter.

---

Section 9.69.050                      Absentee ballots; delivery

---

Upon receipt of an application for an absentee voter's ballot, the Clerk shall check the latest state voters registration list to determine whether the applicant is registered in accordance with Alaska Statutes Chapter 15.07. If the applicant is properly registered, the Clerk shall deliver to the applicant, personally or by mailing to the address given by the applicant, an official ballot for the election, a ballot envelope and a return envelope. If the absentee voter's ballot is personally delivered, the absentee voter shall secretly mark the ballot in the presence of the Clerk, in a manner which permits the Clerk to be certain that the voter personally marked the ballot, but which does not permit the Clerk to see how the voter voted. The voter shall fold the ballot and seal it in the ballot envelope, and seal the ballot envelope inside the return envelope. The voter shall then complete and swear to the affidavit printed on the back of the return envelope and deliver it to the Clerk. The Clerk shall certify to the affidavit on the return envelope, write or stamp his/her name across its seal, and retain the envelope in his/her custody to be delivered to the Council for canvassing.

---

Section 9.69.060                      Absentee voting at Clerk's office; absentee voter's ballot

---

Any voter issued an absentee ballot may, at any time prior to the day of the election for which it is issued, appear at the office of the City Clerk, and there cast his ballot in the following manner: The voter first shall show the City Clerk

that his ballot has not been marked, then shall secretly mark the ballot in the presence of the Clerk, in a manner which permits the Clerk to be certain that the voter personally marked the ballot, but which does not permit the Clerk to see how the voter voted. The voter shall fold the ballot and place it in the ballot envelope, then place the ballot envelope in the return envelope. Then the voter shall complete and swear to the affidavit printed on the back of the return envelope, and deliver it, properly sealed, to the City Clerk. The City Clerk shall certify to the affidavit printed on the return envelope, write or stamp his name across its seal, and retain the envelope in his custody to be delivered to the Council for canvassing.

Section 9.69.070                      Absentee ballots executing outside city.

Any voter issued an absentee ballot may, at any time prior to closing of the polls on the day of the election for which it is issued, appear before any person authorized by law to administer oaths, and in the presence of such officer cast his ballot in the same manner as he would cast it in the office of the City Clerk under Section 9.69.060 of this chapter. After writing or stamping his name across the seal of the return envelope, the officer shall return it to the voter who shall return it or mail it to the City Clerk.

Section 9.69.080                      Voting at the polls; absentee voters; surrender of materials.

If a voter issued an absentee ballot returns to the City on election day, he shall not vote at the polling place unless he first surrenders to the election board the absentee ballot, ballot envelope, and return envelope issued to him. Unused absentee ballots, ballot envelopes and return envelopes shall be returned to the election supervisor by the election board along with other ballots not used at the polling place.

Section 9.69.090                      Retention of absentee ballots; delivery

The City Clerk as election supervisor shall retain in a locking file cabinet in the city office all absentee ballots received, until the time the City Council meets as the election review committee to canvass the election. At this time the Clerk shall deliver all absentee ballots received to the election review committee to be counted and included in the final vote tally of the election. Absentee ballots must be received by the time of the meeting to be counted.

Section 9.69.100                      Liberal construction.

This Chapter shall be liberally interpreted, so as to accomplish the purposes set forth.

CITY OF COLD BAY, ALASKA  
APPLICATION FOR ABSENTEE BALLOT:

I DO HEREBY MAKE APPLICATION FOR AN ABSENTEE BALLOT FOR THE \_\_\_\_  
CITY ELECTION TO BE HELD \_\_\_\_\_, \_\_. I ATTEST THAT I AM A  
REGISTERED VOTER IN THE STATE OF ALASKA AND REGISTERED VOTER  
IN THE CITY OF COLD BAY.

NAME: \_\_\_\_\_

SOCIAL SECURITY NUMBER

OR VOTER REGISTRATION NUMBER: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

RESIDENCE ADDRESS

(IF DIFFERENT FROM MAILING  
ADDRESS) \_\_\_\_\_

REASON FOR REQUESTING ABSENTEE BALLOT: \_\_\_\_\_

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_ (VOTER)

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

PLEASE MAIL THIS APPLICATION TO:  
CITY OF COLD BAY  
P.O. BOX 10  
COLD BAY, ALASKA 99571

ABSENTEE BALLOT RETURN ENVELOPE

STATE OF ALASKA )  
 )s  
 )s  
UNITED STATES OF AMERICA )

I, \_\_\_\_\_, state that: I am a resident of and a registered voter in the City of Cold Bay, Alaska, and I hereby enclose my ballot.

\_\_\_\_\_

\_\_\_\_\_

(Signature of Voter)

(Residence address within City)

SUBSCRIBED and SWORN to before me, this day of \_\_\_\_\_ 19\_\_\_\_. I hereby certify that the above named affiant appeared before me, displayed to me an unmarked Absentee Ballot, marked that ballot in my presence and, without allowing me or any other person to see how the ballot was marked, enclosed and sealed said ballot in a ballot envelope, and then enclosed and sealed that ballot envelope in this return envelope, handed me this return envelope sealed, and signed the foregoing affidavit.

\_\_\_\_\_  
(Official's Signature)  
(SEAL)

\_\_\_\_\_  
(Title of Officer)

NOTICE: After receiving the sealed envelope from the person taking your affidavit when voting outside the office of the City Clerk of the City of Cold Bay, you must immediately return it by mail, postage prepaid, to: Office of the City Clerk, City of Cold Bay, Cold Bay, Alaska 99571. Marked: BALLOT ENCLOSED, TO BE OPENED ONLY BY ELECTION REVIEW COMMITTEE.

CHAPTER 70  
**REVIEW OF ELECTION RETURNS**

Sections:

- 010. Election review committee; meeting.
- 020. Review to be public.
- 030. Procedure for questioned ballot review.
- 040. Questioned ballots; subpoenas.
- 050. Absentee ballots.
- 060. Counting absentee and questioned ballots.
- 070. Defective ballots.
- 080. Certifying results.
- 090. Contest of election.
- 100. Certificate of election.
- 110. Retention of election records.

Section 9.70.010 Election review committee: meeting.

- A. The City Council acting as the election review committee shall meet on the first Friday after the election and canvass all absentee and questioned and defective ballots executed in the election. If the Council is unable to obtain a quorum or complete the count on the Friday after the election, the canvass will be commenced the first day following that a quorum can be obtained, and continued each day thereafter until completed.
- B. The City Clerk shall submit to the Council the election board's Report of Preliminary Election Results, the Master Voter Registration List, the register, all regular ballots, oath and affidavit envelopes containing questioned ballots, defective and objected-to ballots, spoiled ballots, absentee ballots, and oaths and affirmations of election officials.

Section 9.70.020 Review to be public.

- A. The review of all absentee and questioned and defective ballots shall be made in public by opening the returns, and announcing the results thereof in front of those present.
- B. The review shall include a review and comparison of the tallies of ballots with the election reports to correct any mathematical error in the count of ballots.
- C. If there is an unexplained error in the tally of ballots, the review committee shall count the ballots from the ballot box.

Section 9.70.030 Procedure for questioned ballot review.

- A. The election supervisor shall contact the State Division of Elections and the local voter registrars by the Thursday following the election and determine if persons casting questioned ballots because of failure of their names to appear on the Master Voter Registration List were in fact registered to vote in state elections. The election supervisor shall record

the names of these questioned voters in fact registered to vote and shall submit their names as registered to vote when their questioned ballots are examined with other questioned ballots according to the procedures in subsection B.4 of this section.

- B. The Council meeting as the election review committee shall examine each questioned ballot envelope and shall determine whether the person casting each questioned ballot was registered and eligible to vote. In making this determination, the Council may request the assistance of the Clerk, and shall hear the testimony of the voter who cast the questioned ballot and of any other city resident who has information useful to the Council's decision. If the Council determines that the voter was eligible to vote, the oath and affidavit envelope shall be opened and the ballot removed. If the Council upholds the challenge, the decision shall be noted in the minutes and the oath and affidavit envelope shall not be opened, but shall be saved with the other election materials.
1. A questioned ballot may not be counted if:
    - a. The voter has failed to properly execute the certificate;
    - b. An official authorized by law to attest the certificate failed to execute the certificate;
    - c. The voter did not enclose the marked ballot inside the small envelope.
  2. Any person present at the questioned ballot review may challenge the name of a questioned voter when read from the voter's certificate on the back of the large envelope if he has good reason to suspect that the questioned voter is not qualified to vote, is disqualified, or has voted at the same election. The person making the challenge shall specify the basis of the challenge in writing. The election review committee by majority vote may refuse to accept and count the questioned ballot of a person properly challenged under grounds listed in 1. of this subsection.
  3. If a questioned ballot is rejected, the election supervisor shall send a copy of the statement of the challenge to the questioned voter. The election supervisor shall place all rejected questioned ballots in a separate envelope with statements of challenge. The envelope shall be labeled "rejected questioned ballots" and shall be saved with other election materials.
  4. If a questioned ballot is not rejected, the large envelope shall be opened and the small envelope containing the questioned ballot shall be placed in a ballot box and mixed with other small envelopes containing questioned ballots.

Section 9.70.040                      Questioned ballots; subpoenas.

The election review committee may order testimony of witnesses and issue subpoenas while investigating questioned ballots. The subpoenas may be enforced by the court upon certification as provided by the state code of civil

procedure concerning the enforcement of administrative and state agency subpoenas.

Section 9.70.050                      Absentee ballots.

- A. The Council shall examine each absentee ballot return envelope. Upon the Council's satisfaction that:
1. The voter is registered to vote in state elections;
  2. The voter is registered to vote in city elections;
  3. The voter is a resident of Cold Bay;
  4. The voter did so certify and cast his ballot before a person authorized by law to administer oaths, which person did so sign and seal; and
  5. The ballot was cast before the close of the polls in Cold Bay; the return envelope shall be opened and the blank envelope containing the absentee ballot shall be placed in the ballot box and mixed with other small envelopes containing the previously reviewed questioned ballots.
- B. If the Council determines that voter voting absentee was not in fact a qualified voter or did not follow absentee voting procedures the Council by majority vote may refuse to accept and count the absentee ballot. The return envelope shall not be opened by rather the reasons for rejections shall be noted on the envelope. The election supervisor shall place all such rejected absentee ballot in an envelope marked "rejected absentee ballots" to be save with other election materials. The election supervisor shall notify the voter in writing why his absentee ballot was rejected.

Section 9.70.060                      Defective ballots.

Council members shall examine the defective ballots to see whether the ballot should be counted and, if so, whether they can determine for whom the voter intended to vote. If the Council determines for whom the voter intended to vote and that the ballot should be counted, the ballot shall be placed in the ballot box along with absentee and questioned ballots.

Section 9.70.070                      Counting absentee defective and questioned ballots.

The questioned ballots and absentee ballots shall then one by one be removed from the ballot box taken out of the ballot envelopes and counted by the Council in the same manner in which ballots cast and the polls counted.

Section 9.70.080                      Certifying results.

If no contest of election is begun under the provisions of Chapter 71 of this Code and after all absentee, defective and questioned ballots are counted or rejected the Council shall:

- A. Certify a report that shows:
1. The total number of ballots cast in the election;
  2. The names of the persons voted for (including write-ins) and the propositions voted upon;
  3. The offices voted for;

4. The number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election;
  5. The disposition of all absentee, questioned, and defective ballots; and
  6. Any other matters which the Council deems necessary to preserve a complete record of the election.
- B. Record the results of the election in the minutes of the meeting.
  - C. Authorize the results to be certified;
  - D. Publicly declare the results of the election.

---

Section 9.70.090 Contest of election.

If a contest of election is declared and resolved, the procedures of Section 8, A-D shall be followed at a special meeting held on the first Monday after resolution of the contest.

---

Section 9.70.100 Certificate of election.

- A. Upon authorization of certification of the election results by the City Council the City Clerk shall prepare two Certificates of Election for each office, proposition, or question considered. The certificates shall be signed by the Mayor and attested by the clerk. One original of each Certificate of Election shall be given the successful candidate or the sponsor of the successful candidate or propositions named thereon, and the other original of each certificate shall be kept by the City.
- B. The forms appearing at the end of this chapter illustrate the certificates of election.

---

Section 9.70.110 Retention of election records.

The City Clerk shall preserve all election certificates, tallies and registers for four years after the election. All ballots and stubs may be destroyed 30 days after the certification of the election unless an appeal of the election has been filed in the superior court in Anchorage in which case the ballots and stubs may be destroyed 30 days after conclusion of the appeal unless stayed by an order of the court.

CITY OF COLD BAY, ALASKA  
REPORT OF ELECTION RESULTS

THE TALLY BELOW IS A TRUE AND ACCURATE RECORD OF ALL VOTES  
CAST IN THE \_\_\_\_\_ ELECTION HELD IN THE CITY OF COLD BAY, ALASKA ON

The tally below is a true and accurate record of all regular votes cast in  
the \_\_\_\_\_ election held in the City of Cold Bay, Alaska on \_\_\_\_\_

PART I: ELECTIVE OFFICES

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	5. _____	_____
2. _____	_____	6. _____	_____
3. _____	_____	7. _____	_____
4. _____	_____	8. _____	_____

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	5. _____	_____
2. _____	_____	6. _____	_____
3. _____	_____	7. _____	_____
4. _____	_____	8. _____	_____

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	5. _____	_____
2. _____	_____	6. _____	_____
3. _____	_____	7. _____	_____
4. _____	_____	8. _____	_____

OFFICE: CITY COUNCIL SEAT \_\_\_\_\_

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	5. _____	_____
2. _____	_____	6. _____	_____
3. _____	_____	7. _____	_____
4. _____	_____	8. _____	_____

PART II: BALLOT PROPOSITIONS AND QUESTIONS

PROPOSITION:

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

PROPOSITION:

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

QUESTION:

YES: \_\_\_\_\_ NO: \_\_\_\_\_

PART III: ACCOUNTING OF BALLOTS

Total Ballots Cast: \_\_\_\_\_

Total Regular Ballots Cast: \_\_\_\_\_

Total Questioned Ballots Cast: \_\_\_\_\_

Disposition:

Accepted: \_\_\_\_\_

Rejected: \_\_\_\_\_

Total Absentee Ballots Cast: \_\_\_\_\_

Disposition:

Accepted: \_\_\_\_\_

Rejected: \_\_\_\_\_

Total Defective Ballots Cast: \_\_\_\_\_

Disposition:

Accepted: \_\_\_\_\_

Rejected: \_\_\_\_\_

The canvass of the election was completed between the hours of \_\_\_\_\_ p.m. and \_\_\_\_\_ p.m. on \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

City Seal

Report of Election Results

Page 2 of 2

CITY OF COLD BAY, ALASKA

**CERTIFICATE OF ELECTION**

THIS IS TO CERTIFY that on the \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_,  
\_\_\_\_\_ was elected to the office of \_\_\_\_\_ of the  
City of Cold Bay, Alaska, as confirmed by the City Council of the City of Cold  
Bay upon completion of the final canvass of ballots on the \_\_\_\_ day of  
\_\_\_\_\_, \_\_\_\_\_.

DATE at Cold Bay, Alaska this \_\_\_\_ day of \_\_\_\_\_ 2\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

City Seal

**OATH OF OFFICE**  
MAYOR, CITY OF COLD BAY

I, \_\_\_\_\_, do solemnly swear that I will support the Constitution and laws of the United States and the State of Alaska and the laws and ordinances of the City of Cold Bay, Cold Bay, Alaska and that I will honestly, faithfully and impartially perform my duties as Mayor to the best of my ability. So help me God.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

**OATH OF OFFICE**  
COLD BAY CITY COUNCIL MEMBER

I, \_\_\_\_\_ , do solemnly swear that I will support the Constitution and laws of the United States and the State of Alaska and the laws and ordinances of the City of Cold Bay, Cold Bay, Alaska and that I will honestly, faithfully and impartially perform my duties as Council member to the best of my ability. So help me God.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
City Clerk

MAYOR BALLOT

Term: Elected from \_\_\_\_\_ to \_\_\_\_\_

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Note: Vote for one only.

VICE-MAYOR BALLOT

Term: Elected from \_\_\_\_\_ to \_\_\_\_\_

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Note: Vote for one only.

CITY TREASURER BALLOT

Term: Elected from \_\_\_\_\_ to \_\_\_\_\_

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Note: Vote for one only.

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CHAPTER 71  
**CONTEST OF ELECTION**

Sections:

- 010. Contest of election; contestant.
- 020. Contest of election; Council.
- 030. Ballot recount.
- 040. Prohibited practices alleged.
- 050. Sustained charges; recount.
- 060. Recount expenses; appeal.

Section 9.71.010                      Contest of election; contestant.

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- A. Any qualified voter may contest the election of any person and the approval or rejection of any question or proposition.
- B. Any qualified voter who believes that prohibited practices occurred at an election may contest the election by:
  - 1. Filing a written affidavit with the City Clerk specifying with particularity the provisions of the law which he believes were violated and the specific acts he believes to be misconduct.
  - 2. This affidavit must be filed with the City Clerk before or during the first review of the ballots on the Friday following the election. The City Clerk shall acknowledge the date and time the affidavit is received on its face and make a photocopy of the affidavit which shall be given the contestant.
  - 3. The sample affidavit at the end of this Chapter shows the form this affidavit should take.

Section 9.71.020                      Contest of election; Council.

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The City Council may order an investigation or a recount of the ballots or, declare the election invalid and order a new election, or declare the affidavit of election contest without merit and certify the results of the election.

Section 9.71.030                      Ballot recount.

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If only a recount of ballots is demanded, the election board where the error allegedly occurred shall recount the ballots.

Section 9.71.040                      Prohibited practices alleged.

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When the contestant alleges prohibited practices the Council shall direct the City Clerk to produce the original register books for the election.

Section 9.71.050                      Sustained charges; recount.

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If the charges alleged by the contestant are upheld, the election review committee shall make a recount. The Council shall then certify the correct election returns as provided in Chapter 70, Section B.

Section 9.71.060          Recount expenses: appeal.

- A.     The contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse any result of the election or the difference between the winning and a losing vote on the result contested is more than two percent.
- B.     A person may appeal the decision of the Council in Section 020 to the Superior Court, however no person may appeal or seek judicial review of a city election for any cause or reason unless the person is qualified to vote in the City, has exhausted his administrative remedies before the City Council and has commenced, within 10 days after the Council has finally declared the election results, an action in the Superior Court in Anchorage. If no such action is commenced within the 10 day period, the election and election results shall be conclusive, final, and valid in all respects.

CHAPTER 72  
(Reserved)

CHAPTER 73  
(Reserved)

AFFIDAVIT OF ELECTION CONTEST

The undersigned believes that prohibited practices occurred at the \_\_\_\_\_ municipal election held on \_\_\_\_\_, 2\_\_\_\_ at Cold Bay, Alaska.

The undersigned states that the following laws were violated:

\_\_\_\_\_  
\_\_\_\_\_.

The undersigned states that the above provisions of the law were violated in the following manner:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
Signature of Person Contesting

Received Date & Time; \_\_\_\_\_

\_\_\_\_\_  
City Clerk

City Seal

CHAPTER 74  
**RESPONSIBILITIES OF OFFICERS AND EMPLOYEES**

Sections:

- 010. Conduct in office; investigations.
- 020. Oath.
- 030. Delivery of office.
- 040. Reports.
- 050. Resignation.
- 060. Conflict of interest.

Section 10.74.010            Conduct in office; investigation.

The Council, the Mayor, or any persons or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, officer, or employee of the City and to make investigations in municipal affairs and compel the production of books, papers, and other evidence. Failure to obey such orders to produce books or evidence shall constitute grounds for the immediate discharge of any officer or employee according to the personnel policies of the City.

Section 10.74.020            Oath.

All elected officials and permanent employees of the City shall before entering upon the duties of the office, individually take an oath in writing to honestly, faithfully and impartially perform and discharge the duties of his or her office and trust, which oath shall be filed with the Clerk. The oath is provided in Chapter 5, Section 5.43 of this Code.

Section 10.74.030            Delivery of office.

Whenever an officer, appointed official, or employee leaves city office or employment for any reason, he or she shall promptly deliver to his or her successor in the office or to the Mayor all city property, including books, working papers, records, money, equipment, and effects, which are in his or her custody, possession, or control.

Section 10.74.040            Reports. (Reserved)

Every department head shall make a monthly report to the Council of the activities of the department for the preceding month and present a calendar of proposed activities for the upcoming month. Subject to the Mayor's approval, the department head may appoint someone familiar with the activities of the department to prepare and make a monthly report to the Council or the department head may submit a written report and calendar to the Mayor in advance of the council meeting. Such monthly report shall include a report on

finances of the department.

Section 10.74.050          Resignation.

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Resignations of city officers and appointed officials shall be made in writing and filed with the Clerk, who shall immediately notify the Mayor and Council. Appointed employees shall follow the procedures of Chapter 75, Personnel Policies for resignation.

Section 10.74.060          Conflicts of interest.

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A.    Prohibitions.

1.            Conflicts of interest can only exist at the discretion of the City Council.
2.            No elected official, appointed city officer, or city employee shall use his office or official position for the primary purpose of obtaining financial gain for himself or his spouse, child, mother, father or business with which he is associated or owns stock.
3.            No elected official (except in the case of a Council member where the presiding officer or Council rule otherwise as provided in Subsection C of this section), appointed city officer, or city employee shall participate in any official action in which he has a substantial financial interest. Prohibited participation includes voting as a Council member, taking part in council debate, soliciting the vote of a Council member, or encouraging any city official or officer to act in a certain way in regard to a subject.
4.            No elected official, appointed city officer, or city employee may accept from any other elected official, appointed city officer, or city employee, or any other person, money, gifts, promises of future benefits, or any other thing of value, for performing any function or service that is a normal part of his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in the course of his or her duties. This subsection does not preclude any person from accepting any award or bonus authorized by the Council to be given for meritorious service.
5.            No elected official, appointed city officer, or city employee, and no other person, shall give or offer to give to any elected official, appointed city officer, or city employee, money, gifts, promises of future benefits, or any other thing of value, for performing any function or service that is a normal part of his or her duties, or in exchange for voting or acting in any particular way on any matter that comes before him or her in the course of his or her duties. This subsection does not preclude any person from voting for or participating in granting any award or bonus authorized by the Council to be given for meritorious service.

B.    Financial interests which may be conflicts of interest. The following is a list

of examples of financial interests substantial enough that any Council member, appointed officer, or city employee who comes under any of the categories listed below should not vote or act on any matter so affected. The categories below are not meant to be a complete listing of all possible conflicts of interest. Any instances not covered below should come before the Council for a vote as the individual matters arise. A Council member, appointed officer, or city employee should abstain from voting or refrain from acting if:

1. He or she (or a member of his or her immediate family) individually, jointly, or in partnership with another has an interest in land or buildings, other than his or her residence that will be affected by the vote or action.
2. He or she (or a member of his or her immediate family) is party to or beneficiary of a contract for a sum of \$1,000 or more that will be affected by the vote or action.
3. He or she (or a member of his or her immediate family) is individually, jointly, or in partnership with another the owner of a business, or has an interest in a business of \$1,000 or more that will be affected by the vote or action.
4. He or she (or a member of his or her immediate family) is a member of a board of directors or governing body or an officer of, or holds a management position with an organization that has financial dealings of \$1,000 or more with the City that will be affected by his or her vote or action.

C. Conflicts of interest and disclosure; City Council members.

1. Each Council member shall disclose any financial interest he or she may have in any matter that has come before the Council for a vote. If the member believes that the financial interest is substantial, he or she shall ask to be excused from voting on the matter.
2. The Mayor shall rule on the request of a Council member to be excused from voting on a matter in which the member has or believes he or she has a substantial financial interest, unless the Mayor is the member making the request or has the same or a similar or related financial interest in the same matter, in which case the Council shall designate another Council member who has no financial interest in the matter to rule on the request.
3. The decision of the Mayor (or designated Council member) on the member's request to be excused from voting may be overridden by a majority vote of the Council. Neither the Council member making the request, nor any other Council member who has disclosed a similar or related interest in the same matter, may rule on any member's request to be excused from voting on the matter or vote on the question of overriding such a ruling.
4. If any resident of the City believes that a Council member may

have an undisclosed conflict of interest, the resident may request a confidential meeting with the Mayor (or, in the event that a claimed potential conflict of interest involves the Mayor, any other Council member chosen by the resident requesting the meeting) and the Council member who may have a conflict of interest. If, as a result of the confidential meeting, the Council member with the potential conflict or the Mayor decides that the financial interest must be disclosed to the Council, the Council member shall disclose the interest to the Council as provided in Subsection C.2 above.

5. A Council member who has a substantial financial interest in a matter before the Council, and who has been excused from voting on that matter, may not participate as a Council member in the debate on the matter, although he or she may participate in discussion to the same extent as a member of the general public. If the matter is discussed by the Council in executive session, the member shall be excluded during the executive session.
6. If a conflict of interest is discovered after an official action has been undertaken or completed the City Council may by a majority vote, excluding the vote of any affected member, resolve to rescind the official action or to take any other remedial steps necessary.

D. Conflicts of interest and disclosure; city officers and employees.

1. Each city officer and employee shall disclose to the Mayor or the City Council any financial interest he or she may have in any matter that has come before the officer or employee for action in the course of his or her duties. If either the officer or employee making the disclosure and the Mayor or a majority of the members of the Council conclude that the financial interest in question is substantial then the officer or employee shall not act or participate in taking action on the matter.
2. Any resident of the City who thinks that a city officer or employee may have an undisclosed conflict of interest may request a confidential meeting with the Mayor (or, in the event that a claimed potential conflict of interest involves the Mayor, any other Council member chosen by the resident requesting the meeting) and the officer or employee who may have a conflict of interest. If, as a result of the confidential meeting, the officer or employee with the potential conflict concludes that he or she should refrain from acting on the matter, or the Mayor (or other chosen Council member) directs the officer or employee to refrain from acting on the matter, all proceedings of the meeting with the resident and the Mayor (or other chosen Council member) will remain confidential. If neither the officer or employee nor the Mayor (or other chosen Council member) decides that the officer or employee must refrain from acting, the resident may request the Council to consider the matter at its next regular meeting.

E. Violations

1. Council member, city officer, or city employee who violates this chapter by knowingly refusing to disclose a financial interest as required by this section may be suspended from the Council or from his or her city office or employment. Such suspensions shall be for a period up of ninety days, and shall be made upon a two-thirds majority vote of the Council. Any Council member, officer, or employee who is suspended for this reason more than once in any twelve month period, may be discharged from the Council or from his or her office or job. Such discharge shall be made upon a two-thirds majority vote of the Council.
2. Any person who willfully violates any provision of Subsection A shall be guilty of an infraction.
3. Any City Council member or appointed city officer who willfully violates any provision of Subsection A shall be deemed to have violated his or her oath of office and shall be subject to immediate discharge from the Council or from office by two-thirds vote of the Council. Any willful violation of any provision of Subsection B. by any city employee shall be cause for immediate dismissal from employment.
4. No Council member may vote on any question of his or her own suspension or discharge.

Chapter 75  
**Personnel Policies**

Sections:

010. Personnel Policies

Section 10.75.010 Personnel Policies.

The Mayor shall propose to the council a comprehensive personnel policy for the City of Cold Bay which shall be adopted by the Council by resolution.